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THE WHOLE OF THE  
D E B A T E S

IN BOTH  
HOUSES OF PARLIAMENT,

ON A  
B I L L

TO PREVENT TUMULTUOUS  
RISINGS AND ASSEMBLIES,

AND FOR THE MORE EFFECTUAL  
PUNISHMENT OF PERSONS

GUILTY OF  
OUTRAGE, RIOT, AND ILLEGAL  
COMBINATION,

AND OF  
ADMINISTERING UNLAWFUL OATHS.

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ON the 31st. day of January 1787, the Right Honourable *Thomas Orde* moved in the House of Commons, that the House do forthwith resolve itself into a committee of the whole House, to take into consideration *that part of his Grace the Lord Lieutenant's speech which relates to the commotions that in some places have disturbed the public tranquillity.*

The House accordingly resolved itself into a committee of the whole House, Mr. Serjeant Fitzgerald in the chair.

*Attorney General.*—After what has passed in this House, and upon the notoriety of the commotions referred to, I should think myself justifiable in now moving an address to the Crown, declaring that we were ready to give the most decided support to Government in suppressing them, did I not think it necessary to stop for one moment, to answer the charges that have been made against Government, and to lay be-

fore the House what has come to my knowledge respecting the proceedings of the insurgents.

Their commencement was in one or two parishes in the county of Kerry, and they proceeded thus:—The people assembled in a mass-house, and there took an oath *to obey the laws of Captain Right, and to starve the clergy*. They then proceeded to the next parishes on the following Sunday, and there swore the people in the same manner, with this addition, that they (the people last sworn) should on the ensuing Sunday, proceed to the chapels of their next neighbouring parishes, and swear the inhabitants of those parishes in like manner.

Proceeding in this manner they very soon went through the province of Munster. The first object of their reformation was tythes; they swore not to give more than a certain price per acre—not to take from the minister at a greater price—not to assist or allow him to be assisted in drawing the tythe, and to permit no proctor. They next took upon them to prevent the collection of parish cesses—then to nominate parish clerks, and, in some cases, curates—to say what church should or should not be repaired; and in one case to threaten that they would burn a new church if the old one was not given up for a mass-house.

At last they proceeded to regulate the price of lands, to raise the price of labour, and to oppose the collection of the hearth-money and other taxes.

In all their proceedings they have shewn the greatest address, with a degree of caution and circumspection which is the more alarming, as  
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it demonstrates system and design. Bodies of 5000 of them have been seen to march through the country unarmed, and if met by any magistrate, who had spirit to question them, they have not offered the smallest rudeness or offence; on the contrary, they have allowed persons, charged with crimes, to be taken from amongst them by the magistrates alone, unaided with any force.—Wherever they went they found the people as ready to take an oath to cheat the clergy as they were to propose it; but if any one did resist, the torments which he was doomed to undergo were too horrible even for savages to be supposed guilty of. In the middle of the night he was dragged from his bed, and buried alive in a grave lined with thorns, or he was set naked on horseback and tied to a saddle covered with thorns;—in addition to this, perhaps his ears were sawed off.—Sir, there is this day an account received of two military men, who had exerted themselves in the line of their duty, being attacked by a body of rightboys, and I fear murdered, for there is but little hope of their recovering of their wounds. The way in which the rightboys perpetrated this crime was, the two men were walking together, armed, they set a dog at them, when one of the men fired; he had no sooner thrown away his fire, than a multitude rushed upon the two from behind the ditches, and wounded them in a most shocking manner.

Now, sir, upon the best enquiry that I have been able to make, it does not appear that there is the least ground to accuse the clergy



of extortion. Far from receiving the tenth, I know of no instance in which they receive the twentieth part. I am very well acquainted with the province of Munster, and I know that it is impossible for human wretchedness to exceed that of the miserable peasantry in that province. I know that the unhappy tenantry are ground to powder by relentless landlords—I know that, far from being able to give the clergy their just dues, they have not food or raiment for themselves, the landlord grasps the whole; and sorry I am to add, that not satisfied with the present extortion, some landlords have been so base as to instigate the insurgents to rob the clergy of their tithes, not in order to alleviate the distresses of the tenantry, but that they might add the clergy's share to the cruel rack-rents already paid.—Sir, I fear it will require the utmost ability of Parliament to come to the root of those evils. The poor people of Munster live a more abject state of poverty than human nature can be supposed able to bear—their miseries are intolerable, but they do not originate with the clergy; nor can the Legislature stand by and see them take the redress into their own hands. Nothing can be done for their benefit while the country remains in a state of anarchy.

Upon the best consideration that I have been able to give the subject, two circumstances, which have contributed to spread the commotions, require to be immediately corrected.

The first is, that under the present existing law the kind of combination which pervades the province of Munster is deemed but a misdemeanor;

demeanor; it is aailable offence, and no magistrate can refuse to take bail for it.

The second is, the insufficiency and criminal neglect of magistrates throughout the great county of Cork—there was scarcely a magistrate that would act. In the neighbourhood of the city of Cork, indeed, one gentleman, Mr. Mannix, exerted himself, much to his own honour and the public benefit. In the West of the county, Mr. Cox also behaved with great propriety. If other magistrates had acted in the same manner these two gentlemen did, the commotions would not have existed for a month.

A Right Honourable friend of mine has declared, that he thinks it odd that Government should have, upon a former occasion, prosecuted the Steelboys for high treason, and they should have indicted the Rightboys for a misdemeanor only.—I shall tell him why. It would be very wicked and very oppressive indeed, for any lawyer to indict a man for high treason, where the law had particularly described his crime, and called it a misdemeanor only; besides, I am free to own, that if by any ingenuity these combinations could be tortured into high treason, I would not be very ready to declare the whole province of Munster in rebellion. At Clonmel, a man was indicted capitally, and though his offence was of a very black dye, and complicated with treachery, yet it was a matter of great difficulty to prevail on a jury to find him guilty, and when they did, they strongly recommended him to mercy.

A charge



A charge has been made against Government for suppressing informations against a Sheriff's bailiff, and from this it has very wisely been inferred, that Government abets the Right-boys. Now, as I have the informations in my hand, I shall submit them to the House, and whether it was possible to strain an indictment out of it.

This is the information of Daniel Duggan, Sheriff's bailiff, who acknowledges that on the evening of Monday the 12th of June, returning home to Cloyne, he had occasion to stop——He further confesses, that he was then overtaken by two men, one of them a slender man in black clothes, who asked his name and where he dwelt; which being told, he asked if he knew Nick Dalton, John Ahern and William Power? He said he did; on which he desired him to go tell them Captain Right would be with them on Saturday night. He bid the man in black go himself, who said, if he did not go he would be made an example. Being therefore in dread of his life he went to the house of Dalton, and delivered him the message; afterwards meeting Ahern on the road, he delivered him said message: And further this deponent sayeth not——

The next is the information of Catharine Ahern, wife of John Ahern. She swears, that she came up to her husband, on the road between Cloyne and her house; that he was conversing with Daniel Duggan; that, on her coming up, her husband told her Duggan had a summons for him from the Whiteboys; that Duggan made no reply; that deponent and her husband



husband returned home; and that the man in company with Duggan never spoke one word. And further this deponent sayeth not.

The next is the information of John Ahern. He was met on the road to Cloyne about ten o'clock at night, on the 12th of June, by Daniel Duggan, who asked him to drink a pot of porter, which he refused, it being late. Duggan then put his hand in his pocket, pulled out some papers, and said he had a summons for deponent. Deponent apprehending said summons was a notice from the persons called Whiteboys, said he would not take it. Duggan then pulled out an handful of papers, which by the little light that then was, deponent believes were summonses; and Duggan said, he had one for him, one for Nicholas Dalton, one for James Garvan, and one for William Power, from those gentlemen, meaning, as deponent believes, the Whiteboys. The man in black spoke not one word, and further this deponent sayeth not.

Now, I am bold to say, that upon these informations it would puzzle all the crown lawyers in the three kingdoms to form an indictment, and if I had been in the place of the learned and honourable Gentleman that was sent down to prosecute, I should not have hesitated a moment to have superseded the committal, and discharged the man without bail.—A man pulls out papers which, in the night, another man believes to be summonses, and for this he is to be sent to gaol, and prosecuted for high treason. The learned gentleman very properly rejected the informations as insufficient;—in so doing, he

he did honour to his judgment, and to the discernment of those who employed him, and who could not possibly have selected a man whose head and whose heart more eminently entitle him to trust and to confidence.

If any gentleman entertains a doubt concerning the facts I have referred to, I am ready to lay the proofs upon the table. But they are of too great notoriety; therefore, Sir, to detain the Committee no longer, I move you.

*That it is the opinion of this Committee, that some further provisions by statute are indispensibly necessary to prevent tumultuous risings and assemblies, and for the more adequate and effectual punishment of persons guilty of outrage, riot, and illegal combination, and of administering and taking unlawful oaths.*

Mr. *Lowther*—The magistrates and landlords are accused, and I fear not without reason, as being one cause of the Whiteboys disturbances. Do these men live in the air, or on the land? If on the land, the gentlemen might easily stop them—they might banish from their estates every disturber of the peace. Something has been said of an address to his Majesty. How can his Majesty redress the evil? Is it by employing more troops?—I will venture to say, that his Majesty's troops cannot redress the evil, if country gentlemen will not assist.

Mr. *Longfield* insisted that the laws now in force were fully sufficient to quell any risings or tumultuous assemblies, and that no new statutes were by any means necessary, provided the magistrates done their duty; as to the depositions and informations just read by the Right Hon. Gentleman (the Attorney-General) he thought himself



himself justified by the act of the 15th and 16th Geo. III. which he recommended to gentlemen to read, to commit Duggan the Sheriff's bailiff to gaol, and whilst he had the honour of holding the commission of the peace, he was determined to do his duty, and preserve the quiet of the county; and though no gentleman had a greater respect, nor a higher opinion of the abilities of the learned gentleman who went to prosecute on the part of the crown, (Mr. Arthur Wolfe) than what he had, yet he was fully convinced in his own mind, that the act of the Sheriff's bailiff came within the description of the statute he just now recited. He was decidedly of opinion, that if the magistrates in the county of Cork had acted with vigour and spirit at the commencement of these disorders, and there are in that county from one hundred to a hundred and fifty magistrates in the service of the revenue, and consequently under the direction of Government, there would not exist at this day the odium which that respectable and populous part of the kingdom lies under. Mr. Longfield proceeded to inform the Committee, that when the outrages were extending, a requisition was made, in the month of August last, to the High Sheriff, signed by thirteen gentlemen of considerable property and consequence, desiring him to call a county meeting, in order to adopt such measures as would put an end to the disorders complained of, but the High Sheriff, for what reason he was at a loss to account, did not think proper to call the county, and of course the views of restoring peace and tranquillity were frustrated; he said, without  
even



even such a requisition, from the situation of the county, it was the duty of the High Sheriff to call the meeting. He admitted that a county meeting was held on the 7th of December last, but at too late a period to be productive of the least service at that meeting, which he apprehended to be for the purpose of founding a general police bill; he attended, and moved resolutions which were agreed to, charging the magistrates with neglect of duty. And after declaring that tho' some part of the county Cork might be in a state of disorder, yet he could with great satisfaction assure the Committee, that the part he lived in was free from outrage. He concluded with saying, that he was convinced the laws in being, aided with the proper exertion of the magistrates, were fully sufficient to preserve the peace of the country, and, in his opinion, there was no necessity for any additional statutes.

Mr. *Chinnery* said, he felt himself called upon to state to the House his conduct, as Sheriff, relative to the requisition mentioned. He admitted, that a requisition signed with thirteen names, some of them very respectable, had been shewn to him; but thinking that so great a county as the county Cork, extending between seventy and eighty miles, ought not to be convened without very cogent reasons, he mentioned to the gentleman who had shewn him the paper, that he wished to have more names to it, or otherwise he must, upon calling the county, (which he would do if desired) apologise for so doing at the request of comparatively a very small part. The gentleman acknowledged

ledged the force of this reasoning, and went towards Mallow, where the paper originated, to get more signatures. Thither Mr. Chinnery attended him. It was, however, then deemed unnecessary to call the county, as Lord Luttrell and the army were going down, and so the matter dropped for that time. However, in November, another requisition, signed by forty-three men of great property in the county, was offered, in consequence of which, Mr. Chinnery did call the county together. At that meeting resolutions were passed, declarative of a determination to maintain the public peace against all disturbers thereof, also censuring the inactivity of the magistrates, whose shameful inactivity had so much contributed to promote the disturbances, which might have easily been suppressed by the laws now in being, if properly enforced.

Sir *Henry Cavendish* said, though some few individual magistrates had properly exerted themselves, yet it seemed to be generally allowed that the generality had shewn a most unbecoming, nay, a criminal supineness; however, he saw no advantage the country could now reap by mutual recrimination between A. and B.; he therefore begged gentlemen to adhere to the question. He thought gentlemen had gone a little too far in throwing the entire blame on the landlord; perhaps in general it was well-founded, but not necessary to declare. A Right Honourable Gentleman, he said, had stated the two capital defects, which at present give room to the proceedings of insurgents; he requested



requested he would now state what remedies he intended to apply.

The *Attorney General* said, the laws should be properly amended, so as to enable the magistrates to stop the mischief, by dispersing all mobs and illegal assemblies. Some reform should also take place amongst the magistrates. He would, he said, state more particularly to the House the scope of his intention, so that full time should be had for consideration as soon he had reduced the matters into form, which, as yet, he had not time to do.

As to the peasantry of Munster, he said, it was impossible for them longer to exist in the extreme wretchedness under which they labour—a poor man is obliged to pay six pounds for an acre of potatoe ground, which six pounds he is obliged to work out with his landlord at five-pence a-day.

Sir *Henry Cavendish*.—I am glad that some attention is to be paid to the conduct of magistrates, and I hope also to the manner of appointing them;—at the same time that I declare the highest respect for the great law character from whom they receive authority. But suppose these two points attained, does the Right Honourable Gentleman mean to stop there? will he not proceed to remove the obstruction to the collection of tithes?

Mr. *Montgomery*, of Donegal.—It appears to me, that we are first going to punish men, with a design to inquire into their grievances afterwards. I think we should inquire whether the clergy, as well as the laity, are not in fault. The South is not the only part in the kingdom where the farmer is distressed and aggrieved, it

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is the same in the North; and I give it to the Committee, on my honour, that they are only waiting to know how the Parliament will proceed. They would have presented a petition, but they have presented so many, and with so little effect, that they thought it would be in vain. However, I beg the House will make full and fair inquiry into the cause of the disturbances, without partiality or respect to any description of men. If no one else moves such an inquiry, I pledge myself that I will.

The *Attorney General*.—I am able to tell the Honourable Gentleman what will give him pleasure. A parish in the North, that has a dispute concerning tithes, and which has appealed to the laws of the land, has already proved successful in the King's-Bench, so far as proceedings have gone.

The question was then put and agreed to without a division, and Mr. Serjeant Fitzgerald was ordered to report.

The Speaker then resumed the chair,

When Mr. Serjeant *Fitzgerald* immediately brought up the report, which was read from the chair, and agreed to by the House unanimously.

The *Attorney General* then moved for leave to bring in one or more bill or bills, pursuant to the said resolution. Leave was given, and the Right Honourable Mr. Attorney General, the Right Honourable Mr. Secretary Orde, Mr. Solicitor General, Mr. Serjeant Fitzgerald, Mr. Arthur Wolfe, and Sir Henry Hartstonge, were ordered to prepare and bring in the same.

He



He also moved, that this House will on this day se'nnight, resolve itself into a Committee of the whole House, to take into further consideration the aforesaid part of his Grace the Lord Lieutenant's speech.—Agreed to.

*Tuesday, February 13.*

The Right Honourable the *Attorney General* presented to the House, according to order, *a bill to prevent tumultuous risings and assemblies, and for the more effectual punishment of persons guilty of outrage, riot, and unlawful combinations, and of administering and taking unlawful oaths.*

The bill being read, Mr. *Attorney General* moved, that it be printed; which being ordered, he moved that it should receive a second reading on Friday next.

The bill enacts, That persons, to the number of twelve, being riotously, tumultuously, or unlawfully assembled, and refusing to disperse, upon being commanded thereto in the King's name by a proper magistrate, shall be deemed guilty of felony and suffer death.

It directs magistrates to command mobs to disperse.

It enacts, that all persons hindering, or in anywise by threat or act, preventing magistrates from doing their duty in the dispersion of mobs, &c. shall be deemed guilty of felony, and suffer death.

It commands and empowers magistrates to seize or disperse, by force, mobs and unlawful assemblies, as described, and indemnifies them,  
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in case any rioter should be killed or maimed, in this execution of duty.

It enacts, that when any mob or tumultuous assembly shall demolish any church or chapel, for the celebration of divine service, according to the usage of the church of Ireland; or any belonging to Protestant Dissenters, or shall prevent the clergyman from officiating, the persons offending shall be deemed felons, and suffer death.

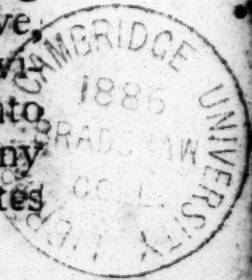
It enacts, that when any such demolition of church or chapel, or meeting-house, shall take place, the same not being within a city or town corporate, the baronies shall make good the damage.

Directs the mode of proceeding at law to recover damages.

It enacts, that unqualified persons administering unlawful oaths, or by threats; promises or persuasion, causing any person to take any unlawful oath, shall be adjudged guilty of felony, and shall suffer as a felon, and may be transported for seven years.

It enables magistrates to order any Popish chapel to be pulled down, upon due proof that unlawful oaths have been tendered and taken in or adjoining to such chapel. Any chapel so pulled down may not be rebuilt for three years.

It enacts, that any person erecting any gallows or gibbet, or any instrument for inflicting torture or bodily pain, or digging any grave, in order to deter any person from giving evidence, or to compel any person to enter into combination, or to prevent the collection of any





rates or taxes, shall be deemed guilty of felony, and shall suffer death as a felon, without the benefit of clergy.

It enacts, that any person who shall print, write or publish any notice exciting to tumultuous meetings, unlawful combination, or confederacy, shall be adjudged a felon and suffer death.

It enacts, that any person forcibly taking away arms or ammunition, or who shall furnish rioters with arms, horses or ammunition, for the purpose of perpetrating offences, shall be deemed a felon and suffer death. Any person entering into combination, tending to defraud any clergyman of his tithes or dues, shall suffer corporal punishment, or fine or imprisonment, as the Court shall direct.

Mr. *John Wolfe* said, he little expected to have seen a bill so hugely improper, so subversive of every principle of liberty, produced by his Right Honourable Friend. That such a bill should originate with an Administration, that from the beginning had shewed themselves hostile to the constitution and commerce of Ireland, was not matter of surprize; but that the Right Honourable Gentleman should become accessory to such measures was really astonishing. He had all along wished, he said, to have whatever measures might be deemed necessary for quieting the disturbances of the kingdom carried with unanimity through the House, as he knew that from unanimity they would derive greater force; but with every disposition or unanimity, he found it impossible to assent to a bill so hugely improper, that every man in  
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the kingdom was called upon to raise his voice—nay, he had almost said, to wield his sword against it.

*Mr. Orde.*—I rise to desire the Honourable Gentleman will explain this intemperate exclamation, if he does not, I do declare that it appears to have a tendency to create the very mischiefs he seems to apprehend.

*Mr. Stuart.*—I rise to declare, that I think a more distant day than Friday should be given to consider this bill. From the slight reading it has received, it appears to me a perfect riot act; and when we recollect the sort of people that form a large part of the magistracy of this kingdom, we should, I think, be extremely cautious how we submit the lives of our fellow subjects to their mercy.

*Attorney General.*—If the Honourable Gentleman who exclaims so loudly against the bill, and who calls upon the people to raise their voices and to wield their swords against it, would take but the pains to read a bill so hugely improper, so subversive of liberty, he would find that it contains nothing that can give the smallest just cause for apprehension. Within a very few days the outcry against Government was, that they had not indicted the insurgents capitally, as they might have done, for levying war upon the King, but for a misdemeanor only—a bill is now brought in consonant to the opinion expressed by gentlemen, making felonies of those crimes which heretofore were punished as a misdemeanor; immediately the Honourable Member calls upon the people to raise their voice and to wield their swords against it.



It is curious to hear gentlemen express so much apprehension at the name of a riot act. England has had a riot act ever since the reign of Edward the Sixth, yet the constitution of England has not been subverted; and surely no man will say, that the laws of Ireland should be less strict than those of England, against riots. However, if any gentleman who is so ready to call upon the people to raise their voices and wield their swords against the bill I now propose will offer a better, I shall be extremely obliged to him, and he shall have my assistance. But if he will not, give me leave to say, it would more become him to point out the defects of that now before the House, than to call upon the people to raise their voices and to wield their swords against law. Because, if the people pay any regard to this friendly exhortation, it will only induce the necessity of stronger laws; therefore I call upon my Honourable Friend, if he has any better bill, to produce it—if not, that he will refrain from calling on the people to raise their voices and wield their swords against a necessary and beneficial bill, which he totally misapprehends.

Mr. *J. Wolfe*.—The Right Honourable Gentleman has said, I have called upon the people to raise their voices and to wield their swords against law. I never did. It has always been my principle and my practice to enforce the laws. However, while the bill now before the House is not a law, I say, it behoves every man to raise his voice against, and to use his best endeavours to prevent its ever becoming one.

I did

I did certainly express myself with a warmth which naturally arose from hearing the bill read. It was then and is now my feeling. However, I do not pretend to say, that if it shall be explained to my satisfaction, I shall think myself bound to continue in the same feeling.

Mr. *Trench* said, he believed the general intention of the bill necessary ; but from motives of delicacy objected to one part—[*We suppose he meant levelling places of Romish worship.*]—He had attended particularly to the business on a former day, and apprehended that the magistrates which had been charged with inattention must be some of those of Munster only, as it had been proved, that in other places they had effectually done their duty. He seemed, however, of Mr. Stewart's opinion, that too many of the present magistrates, in every part of the kingdom, were unfit to be trusted with the lives of their fellow citizens, and added, that if in a subsequent bill there was provision made for this purpose, he would move an address to the crown to supersede the present general commission of the peace, and to issue one under certain limitations, as an instant remedy must be applied.

Mr. *Curran* said, he could not have supposed that government would have thought it necessary to carry by surprise a measure for the public good. Not having been informed of the matter in the bill, he had come down to the house an utter stranger to it ; but from the reading it had received, it appeared evident to him that  
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more time would be necessary than was intended to be allowed for the due consideration of it. As he had heard it read, it seemed to him fraught with severity; however, he trusted that would be corrected by the house, and particularly by the Right Honourable Member who introduced it, and who well knew, that severe punishments were not the most effectual, particularly in a country where the law must be enforced through the medium of the people.

There are, he said, certain circumstances which render the present case peculiarly delicate—a general spirit among certain classes to impede the execution of law—a general desire to impede the collection of a particular kind of property, and which can only be corrected by removing the causes, which, he repeated, ought to be managed with great dexterity and a most delicate hand, directed by a sound judgment; for it would be a dangerous extravagance of quackery to undertake the cure of every scratch by amputation. Perhaps there never was a law proposed which, in its consequences, would more nearly affect two classes of men—one, from their situation, venerable and respectable—the other, eminently useful. He hoped, therefore, the house would not proceed with precipitation. If precipitation had ever been excusable, it was in the commencement of the disturbances—it had not then been used—and he hoped that ministers had not then proceeded slowly in order now to subvert liberty by a sudden stroke.—He concluded with saying, that he understood that this law was only

only to be considered as a part of a system to to quiet the disturbances and to remove the causes; if so, surely the whole should be before the house at once, as it was impossible to judge of the relative defects or merits of an entire system by examining only one of its parts.

The *Attorney General* said, he was surprised that gentlemen should be so ready to debate the merits of a riot act, considering that from the time of Ed. 6th England had been in possession of one; however, that gentlemen might see he neither intended precipitation or surprize, he would move to have the bill read a second time on Monday next.

*Monday, February 19.*

The order of the day, *for reading a second time the riot bill*, being called for, the clerk proceeded to read the bill till he came to the clause empowering Magistrates to demolish any Roman Catholic meeting-house at which tumultuous assemblies shall be held, or where unlawful oaths shall be administered.

Mr. *Burgh* (of Oldtown) said, that although the House was in possession of the order for reading the bill, yet he thought it incumbent on him to interrupt it even under that order, when matter was offered so offensive, and unworthy in every particular. He recollected, when in a former instance, reading of a paper had been stopped, although ordered by the House, when it was found to contain matter unfit to be read or heard. He declared himself  
sorry



sorry he had not been aware of that clause, when the question was put on the printing of the bill, which he should have opposed as to that clause, as containing a libel upon the House, the country, and human nature. He could not repress his indignation, at thinking on such tenets held out by any legislature in the 18th century. He made no scruple of terming such a proceeding as wicked, with regard to religion; weak, as to its design;—shocking and dangerous in its consequences:—and, to ourselves, infamous in its principle and motive;—and disgraceful to the community where it could find a moment's toleration.—Mr. B. was proceeding, when the Speaker rose, and declared, that as the bill had been ordered to be read, it must be gone thro'.

The bill was then read.

Mr. Grattan.—Sir, it is impossible to hear that bill read, or the question put on the committal of it, without animadversion. I agree, that the South should be coerced. If the populace or peasantry of that district, have thought proper to invade personal security, and lay the foundation of undermining their own liberties: if they have resorted to the exercise of torture as relief for poverty, I lament their savage infatuation, and I assent to their punishment. I assent to it with shame; I blush at the cast of lawlessness thrown on the country, and I lament the necessity of a strong measure—the natural result of shabby mutiny and abortive rebellion.

This is not the first time I have had occasion to express my concern, at certain excesses of some part of our fellow subjects. See the fruit  
of.

of those excesses—See the glorious effect of their labour—a riot act aggravated. A riot act general and perpetual. Evils, which it was chance to foresee, it became now his duty to mitigate.

He would agree to the strengthening of the civil magistrate within a certain limitation; he would enable the magistrate to disperse such meetings as were notoriously for illegal purposes; and he would agree that it was proper not to admit persons to bail, who had refused to disperse, as it could only furnish them with an opportunity of repeating their transgressions. He would agree that the persons who dug graves, provided gibbets, and the like, should be punished capitally; for those who made torture their amusement, and practised such inexorable barbarity, he thought merited death. He would also agree, that there were several clauses in the riot act, which it might be proper to adopt. But in the very setting out of the bill, there was an evident departure from, and contradiction of the riot act. The riot act stated, that if twelve or more persons, riotously, tumultuously, *and* unlawfully assembled, and refused to disperse, &c. but this act stated, if persons, to the number of twelve or more, riotously, tumultuously, *or* unlawfully assembled—the former was copulative; the latter disjunctive; and the difference was, that if coming within any one of the descriptions tumultuous, riotous, *or* unlawful, felony would ensue, though, in England, to constitute the crime, each must be alledged. And when there was a deviation from the riot act, he was  
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very sorry to find it was not one founded in mildness and mercy, but one founded in severity. Another difference from the riot act was, that in England the proclamation is obliged to be read; but by this bill, nothing more was required of the magistrate, than to command the rioters to disperse in the King's name. If they did not disperse in one hour, death was the consequence, and this he considered as putting an hour glass in the hand of Time, to run a race against the lives of the people; and this was certainly a great objection. Another objection was, that if a magistrate was stopped, when repairing to the place of riot, the person who stopped him would be guilty of felony; that was, though the magistrate was resorting to an unlawful place, the person who obstructed him should be deemed to merit death. And if the persons did not disperse; if the magistrate was interrupted, the reckoning of time was to commence from the moment of his obstruction; and should they continue one hour they would be guilty of felony, and incur the punishment of death; that is, the interception of a magistrate, at a distance in this kingdom, was to be tantamount to the reading of a proclamation on the spot in England. This he thought one of the severest clauses that was ever brought forward, or ever adopted. But, even though this had been premised of the English riot act, the measure of their severity should not be a measure for the legislation of the House; if it should, it would be bad in principle, and worse in practice. Another clause of the bill made it felony to write, print, publish, send, or carry any

any message, letter, or notice, tending to excite insurrection—that is, that a man who shall write or print any letter, or notice, shall be guilty—of what?—of felony! Like the Draconian laws, this bill had blood! blood!—felony! felony! felony! in every period and in every sentence. Now had this bill been law for some time past, what would be the situation of every man, who printed a news-paper for nine months past? What would be the situation of every man, who had written upon the subject of tithes? for as the right of the clergy to tithes is acknowledged to be founded in law, and as the papers and writers have argued against them, what would be the consequence? who could tell how their conduct might be construed in a court of law? or whether they might not be adjudged guilty of felony? But he would not ask, who would be guilty under such a law; but he would ask, who would *not* be guilty? A perpetual Mutiny bill had been once the law of the land, and yet gentlemen both spoke and wrote against it as dangerous, unconstitutional, and beyond the power of Parliament to sanction. Had this bill been then law, they would have all been guilty of felony, and suffer death. Who could tell in what manner the words tending to excite disturbance might be interpreted? If the tithes of the clergy were, as had been ably maintained, founded in law, and that an obstruction to the laws was a felony, perhaps the persons who had opposed their legality, might be in a very disagreeable predicament. The clause, respecting the taking of arms, and ammunition,



muniti<sup>on</sup>, or money to purchase them, he observed to bear a similarity to the White-boy act; but the White-boy act was more guarded. He then looked to the clause that respects the prostrating places of public worship, and was very pointed and severe upon it. He considered it as casting a stain of impiety on the whole nation, and enjoining the magistrates to commit that very act of violence which is punished with death in the peasantry. It was a revival of the Penal laws, and that in the most dangerous and exceptionable part. He called upon gentlemen to consider, that they had no charge against the Catholics, to warrant this measure; to consider that they had not so much as cause for suspicion of them—to consider if they were a Popish peasantry, they were actuated by no Popish *motive*;—to consider, that public thanks had been returned to the principal person of the Catholic religion in this country, for his manly exertions to maintain the public peace, and to protect the rights of the established clergy; and he thought, if there was any thing sacred or binding in religion, it would operate successfully against the present measure; for it would cast a stigma on the Protestant religion.

He had heard of transgressors being dragged from the sanctuary, but he never heard of the sanctuary being demolished. It went so far, as to hold out the laws as a sanction to sacrilege.—If the Roman Catholics were of a different religion, yet they have one common God, and one common Saviour with gentlemen themselves, and surely the God of the Protestant temple was the

the God of the Catholic temple. What then does the clause enact? that the magistrate shall pull down the temple of his God—and if it is rebuilt, and as often as it is rebuilt, for three years, he shall again prostrate it, and so proceed in a repetition of his abominations, and thus stab the criminal through the sides of his God! a *new* idea indeed! But this was not all, the magistrate was to sell by auction the altar of the divinity, to pay for the sacrilege that had been committed on his house. By preventing the chapel from being erected, he contended that we must prohibit the exercise of religion for three years, and that to remedy disturbance we resorted to irreligion, and endeavoured to establish it by act of Parliament. A commission of the peace might fall into the hands of a clergyman, and this clause first occasion him to preclude the practice of religion for three years, then involves him in vile abominations, and afterwards he must preach peace upon earth, and good will towards men. The clause respecting the obstruction of tythes he then made some observations upon. He did not know how far it might be proper to go into the question of tythes, he conceived it would not be gone into at all, if not generally. But since the clergy had with such ability shewn their right to tythes by ecclesiastical and civil law, and that a resistance to the collection of that property, under the laws was improper, the house would find itself in a strange predicament for its own vote of agistment. If tythes were legal, the house by that vote certainly deprived the clergy of a great part of them. He  
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wished to have the clergy supported, he thought the dignity of the country required it, but as making new laws for the purpose, he thought that part of another business. Perpetuity was another principle of the bill, and another objection to it. Would any man say that the coercion which might be necessary from the turbulence of one period would be requisite at all future times! Was it to be handed down an inheritance to posterity? Would they tell the provinces of Ulster, Leinster, and Connaught, that they would reward their tranquility in the same manner they did the turbulence of the South? Was it to descend from the fathers to the children, as a kind of original sin, and death, and felony to be spread in every quarter? It was a fixed principle that the punishment should bear a proportion to the crime, but it was not attended to in the bill. Would any man say, that a man ought to be punished with death for writing, or influencing persons, he would say by threats or otherwise? He wished, if possible, to confine the operation of the bill to the offending counties, and after arguing for some time on this head, he contended that if the bill was to pass in its present state, (but that he believed to be impossible) he would venture to pronounce that it would be absolutely ineffectual, for the crime would be overshot, and the feelings of humanity would revolt at the punishment: it would indeed be the triumph of the criminal and the stigma of the laws. And upon the very same principle, the restoration of order, that he approved coercion, he condemned, therefore, the principle of this bill. He concluded

cluded with desiring to know, whether it was meant to press the bill with all its clauses? whether it was intended to submit it to alteration, if the former he would oppose it in the first instance—if the latter—if his alterations were acceded to, he would vote for the committal.

Right Honourable *Attorney General*.—If it had not been for the last words of the Right Honourable gentleman, I should have supposed we were in the Committee upon this bill; for every objection that has been offered would have come properly in the Committee, though here they are out of place.

The Right Honourable Gentleman candidly acknowledges that coercion is necessary, and that if gentlemen on that side of the House cannot point out more effectual means than the bill offers to remedy the disgraceful outrages in the South, they are bound to accept of it. Now, the Right Honourable Gentleman only proposes one alteration of the common law; and that is, to make misdemeanors not ballable; but I will never agree to such an attack on the common law; that would be an innovation dangerous indeed.

The Right Honourable Gentleman has pointed out, in the first clause, a difference from the English riot act; but if he had taken pains to look quite thro' the bill, he would have found that the word *or*, being in place of the word *and*, is but a clerical error, though I can tell him, that an assembly which is unlawful and tumultuous is riotous, and an assembly which is riotous is a tumultuous assembly: so that the difference arising from the clerical error is very little, if any at all.

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The Right Honourable Gentleman objects, that in the bill the proclamation is omitted. This I did upon the best information, after inquiry with regard to England. I am well assured, that when riots have happened in that kingdom, and Magistrates have attempted to read the proclamation, they have been driven away by the mobs, or having been in danger of having their brains beaten out. Besides there has often been great difficulty to prove that it was read word for word. However, if gentlemen shall think necessary to adopt it here, I shall not give them any opposition.

Another objection is, that the Magistrates in England are allowed a discretion as to reading the proclamation—here they are to be allowed none. Now, I deny they are allowed such a discretion in England; on the contrary, they are bound to read it; and to prove this, if the Right Honourable Gentleman has any doubts, he will find that Kennett, Mayor of London, was prosecuted and convicted for not reading the proclamation.

Another objection is, that obstructing the Magistrate is not felony in England, but is made felony here. However, I assure the Right Honourable Gentleman, that this is a literal transcript of the English law, save only that as the proclamation is omitted, it was necessary to say, *obstructing Magistrates in dispersing, or going to disperse, &c. &c.*

The Right Honourable Gentleman says, are we to enact a riot act because England has one? Now, I will put it to his own breast, is a riot act less necessary here than in England? Are  
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strong laws less necessary here than in England? Will he say, that those mobs which have done such infinite mischief, that many years will not remedy, do not require as strong a hand to govern them as the people of England do?

The Right Honourable Gentleman has said, that punishments should be proportioned to crimes. Now I desire to know, whether the crime of stealing a sheep, which is felony, is equal to that of going round the whole country administering oaths to rob a whole description of men of their property? or will he say, that there can be crimes of more mischievous tendency than the barbarous cruelties which have disgraced and stigmatised the country.

Posting up notices, &c. is made capital, and justly so; for nothing can have a more destructive tendency. This will be manifest from one device I shall just mention. A post-office was opened between Mallow and Cork for circulating notices of the rioters, and through it all their intelligence went. However, I am ready to admit, that the purport of the papers circulated should be known to the person circulating them, to constitute a crime.

I now come to the clause, which, upon the first reading, drew forth such a string of severe epithets from some Honourable Gentlemen—the clause directing magistrates to demolish mass-houses at which combinations shall be formed, or unlawful oaths administered. Sir, I am as unwilling as any man to abolish Christianity, for I know if religion is abolished, I have no longer any tie over the minds of men. I am as unwilling as the Right Honourable

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Gentleman to stab them through the sides of their God; but if they will make their places of worship places of combination, they should be prostrated—if they will pervert them to the vilest purposes, they ought to be demolished.—However, though I should not press this clause, I am glad it has appeared in print; it will shew the bulk of the people what they are likely to draw upon themselves, by perverting their places of worship, and it will rouse those who are most interested in their preservation to exert themselves for the prevention of combinations, and administering of unlawful oaths in them. Nor can I give up the principle on which the clause is founded; for we are told, from the highest authority, that when the Temple had become a den of thieves the doors thereof were shut. Besides, I have known this very punishment inflicted in Catholic countries, and have actually seen churches shut up by an order of the King of France, for offences of a political nature; however, I shall not press the clause, being convinced, that by appearing in print it has answered the purpose intended.

As to the Roman Catholic body no man has a higher respect for the worthy part of them than I. I have a high respect, indeed, for the gentleman that has been alluded to. I know he stood forward in the most honourable and manly way to suppress outrage and disorder, and for so doing I think him deserving of applause; but the gentry, for whose perusal I particularly intended the clause, are that ruinous set of men called middle men, who stand between the inheritor and occupier of the land,

to the injury of both, and who I know, for their own base purposes, abetted the outrages.

The Right Honourable Gentleman wishes to have the operation of the bill confined to the South. I own it is an odd idea to make a partial law; but if we did, I fear the gentlemen of the North would be but little obliged to us. It would be offering a premium to rioters to emigrate to that part of the kingdom, which would soon be deprived of the honour of boasting its tranquillity. Another objection is to its being perpetual; but I will not presume to press any thing that I offer on this occasion, farther than shall be agreeable to the House; on the contrary, I will be extremely obliged to every gentleman that will assist me to improve it; I think the principle and necessity of the bill being admitted, there is no danger of our disagreeing about forms.

I know that my Right Hon. friend is as great an enemy to rioters as I am. I know also the weight and authority of his name; and therefore I am anxious to obtain his support for the bill. On this account I am ready to meet him as far as possible, and do request his aid and assistance.

Mr. Stewart, of Killymoon, declared, he would go every constitutional length to prevent any kind of riots or tumultuous meetings; but in his opinion the bill now read tended to extend the undue influence of the Crown, and he would not hesitate to declare, that the principles it contained were tyrannical, sanguinary, and unconstitutional. He asked why a committee of enquiry had not been instituted in order to



trace the causes of these risings, and to endeavour, if possible, to point out a remedy for them? He lamented this the more, because he was confident that the enquiry would prove highly honourable to the clergy of the established Church. He said the clause making it felony for twelve men or more, who did not disperse at the command of a Magistrate, might be turned to the worst of purposes; for a meeting assembled, perhaps, to address their Sovereign, or their Representatives, on any constitutional point, might be commanded to disperse by some pensioned magistrate, and the very insolence of the magistrate might create a tumult. He here quoted the opinion of Mr. Justice Blackstone, who declared, "that notwithstanding the several acts that passed favourable to the liberty of the subject at the time of the Revolution, such as the Act of Settlement and the Bill of Rights, yet by the passing since that period the Riot Act, and that annual expedient, the act for providing for a standing army, the Crown has gained as much by influence as it had lost of its prerogative."

*Mr. Kearney* said, that he was sure they agreed in one thing, the necessity of doing something which should effectually stop the horrid outrages in the southern parts of Ireland, but did not think that the bill would answer the purposes, nor could he be reconciled to our adopting the English Riot act, as multiplying capital punishments; that in his opinion, the principal thing wanting was to find some method of rendering prosecutions for outrages committed, and illegal combinations entered into, more frequent and more effectual, and that he thought subjecting

ing the barony or district, where any should for the future take place, and no prosecution be carried on, to a double proportion of the county rates, may have a good effect.

Sir *Henry Cavendish* said, as the necessity of the state had called for it, he thought the remedy now proposed the only effectual one, and therefore he would support it. Every man who bears allegiance to the King is entitled to protection, and if the laws are not sufficient to afford that protection which is due to the clergy, they must be strengthened. Notwithstanding what had been said of the Riot Act, he would take his opinion of that act from England, where every gentleman with whom he had ever conversed, let his parliamentary language be what it would, join in private to approve it: he therefore wished for the peace and prosperity of this country, to have it enacted here. One word he would say as to the dues of the clergy—he thought whatever concerned them should be provided for in a bill by itself, and not be blended with a riot act.

As to quotations from Mr. Justice Blackstone, he paid no great regard to them; he had known that gentleman on his legs for hours delivering opinions very different from what he had afterwards read in his book; indeed it had been observed that his speech, supported by a majority, had much outdone his doctrine.

Sir *F. Hutchinson* said, though he thought there were some bad clauses in the bill, yet as its essential part tended to suppress riots, which the laws now in force had not been sufficient to suppress, he must vote for the committal; that the  
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common law was doubtful on that subject, appeared from what those great lawyers, Hale and Holt had said, viz. the former, that the killing of a rioter by a Sheriff or Justice of Peace, &c. when he will resist an arrest, seems to be no felony at common law, and the latter, that the books are obscure in defining a riot.

That on account of this imperfection in the common law, the English had, on various emergencies of the state, enacted riot acts, viz. temporary ones in Edward 6th, Queen Mary's, and Queen Elizabeth's reigns, and a perpetual one soon after the accession of George 1st, all of them occasioned by insurrections. That in a few months after the last British act, the Irish Commons passed heads of a similar riot-bill, which never came back from England, because the Scotch rebellion was immediately after completely extinguished. At the beginning of this King's accession, Munster insurrections made the white-boy riot act (now near its expiration) necessary. And in 1772, another riot act was passed against Northern insurgents.

It was remarkable it did not appear from the Journals, that one of all those English or Irish riot acts had occasioned a division in Parliament, and it was well known what enemies to passive obedience those Parliaments were, which passed the riot acts of King George.

That other free countries, as Rome when a Republic, and Sweden when freest, had enacted severe laws against riots; that the clause of this bill, pulling down Popish Chapels, was very improper, and much disapproved by many of the Clergy of the Established Church in Munster, and  
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he could say, by some of the very highest rank of that order, who were aware what a loss it would be, if the lower class of people were to remain for any time deprived of places of public worship, where their priests taught them morality and virtue.

Mr. *Dunn* said, that when the Right Hon. Gentleman introduced his resolution, on which the present bill is founded, he then inveighed most severely against the Magistrates of the county of Cork, for their shameful neglect of duty, and that it was principally owing to their supineness, that the disorders rose to so considerable a height. He said at that time, that one of the objects of his intended bill, should be to render the magistrates more respectable; and now he brings forward a moiety of a plan without producing the whole; the present bill instead of reprobating these Magistrates, invests the very men of whom he complained with an extension of power. He said, the conduct of government in respect to the riots, was condemned by all descriptions of persons except by the rioters themselves; he asked where was the ostensible Minister of the country at that time; was he here to adopt effectual measures to suppress them? no, he was at some foreign spa recruiting his health; and he here observed, that if the Rt. Honourable Gentleman's state of health prevented him from discharging the duties of his office, he ought to give it up; he asked if the principal law officer of the Crown was here at the time, in order to assist Government with his advice, in cases of exigency; was he here? no, he was also abroad. From the conduct



duct of Administration, it appeared to him as if Government had it in view, to establish a similar system through this country, as the one established in the metropolis, where they have reduced its Magistrates to a degrading state of court-dependence. The Rt. Hon. Gentleman has not answered the question asked by his Right Hon. Friend (Mr. Grattan) whether he intended to bring forward any, or what more bills on the subject. The bill now read cannot be called a remedial bill. A remedial law goes to know the full extent of the grievance and then provides a remedy, but this is to all intents and purposes a riot act; the riot act in England was a measure of necessity, it passed in the year 1715, at a time when the friends of the house of Hanover stood on tottering ground, when there were risings in several parts of the country, particularly in Staffordshire, where the effigy of King William was burnt, and at a time when there was a rebellion actually existing in Scotland; it was under such violent circumstances as these, that this shock was given to the constitution. Such an act as the present would be a perpetual augmentation of the power of the Crown, and subversive of the liberties of the people; we are to be bound hand and feet by a general police bill, when not a finger can wag nor a mouth be opened, without its being liable to be construed into a riotous and improper proceeding. He said, it had the appearance as if Administration wanted to pave a way to a union, first by getting into their power the metropolis of the kingdom, and next by attaching certain great men of this country to the interest of

of Great-Britain, by some of them being created British Peers, and others being called to a seat at the English Privy Council Board. On the subject of a union he would decline saying any thing, but a subject of that nature should certainly be not entered on, whilst this country was under restraint. Mr. Dunn was particularly severe on the clause respecting printing and posting notices; he said, he did not imagine at the time the Right Honourable Gentleman got leave to bring in a bill, that he could produce such a monster; for such a bill was never produced into any assembly, since the days of Draco, he would therefore give his most decided negative to the bill being committed.

Mr. *Trench* remarked, that whatever objection he had to the bill had been done away; he declared that no Administration could be better conducted, than the Irish Administration during the absence of the Right Honourable Gentleman mentioned.

Sir *Richard Musgrave* said, he rose but to make a short declaration,—Government had been accused of supineness, he thought, unjustly. In the last year he had served the office of High Sheriff in the county of Waterford, and had received from Government the most effectual assistance in the execution of his duty for the preservation of the public peace.

Mr. *Brownlow* had listened attentively to both sides, and had heard nothing from either, to make him recede from his opinion—that something was necessary to be done, in order to suppress the present disturbances, and for the prosperity of the country. If the vote he was  
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about to give was a final one; that is, if it was either to approve or reject the bill, he would certainly reject it; but it was only for committing the bill, when there would be an opportunity of amending the exceptionable parts. He should therefore vote for the committal; and he hoped gentlemen on the other side would come half way to meet him, and expunge such parts as were obnoxious, in order to give the measure the strength of unanimity.

Mr. *Brooke* of *Donegal*—As a friend to peace and good order, I give my support to the bill—especially as the Right Hon. Gentleman who proposes it has agreed to expunge the obnoxious clauses.

Mr. *Griffith* said, he was ready to acknowledge that the bill, in its present form, had raised in his mind a very considerable degree of that feverish tendency, symptoms of which had likewise been remarked in other members. It was his determination, when he came down to the House, not only to have negatived the committal of the bill, but likewise to have moved, "That the clause authorising magistrates to pull down mass-houses, should be burned by the hands of the common hangman;" and sure he was, that the house would much sooner have resigned it to so deserved a fate, than have suffered it to pass into a law. That clause was, however, now withdrawn, and the Right Hon. Gentleman who introduced the bill, had pledged himself to give up every part of it, which, upon a fair and full discussion, should be found exceptionable; and he had even promised to admit any new regulation which should be found more adequate to the

the purpose of establishing public tranquillity. After such a declaration the House would be fairly at issue in the committee, as if no such bill existed. Unanimity on such occasions was necessary to insure success. He should not, therefore, oppose the committal of the bill, as the fair and candid manner in which the learned gentleman had behaved, called for a like conduct from that side of the House.

The *Attorney General* here explained, that he, by no means, relinquished the principle of the clause particularly objected to—He thought it extremely just, if Popish meeting-houses were made places of combination, to rob the Protestant Clergy, they ought to be prostrated—However, he would not press the clause himself, being desirous of unanimity—but he never would forego the opinion he entertained of the justness of its principle.

Mr. *M. Smith* lamented the present outrages, and wished some adequate remedy was applied. He objected to the bill upon two grounds; first, as multiplying the number of offences in our code, already too numerous; and in the next, because there was not sufficient grounds for the enactment of a riot act. He thought some inquiry should take place, before the laws were crimsoned over with blood. The diadem did not now totter on the Sovereign's head; nor was he shaken on his throne, as was the case when the riot-act took place in England; and besides, a committee was then appointed to enquire into the nature and extent of the disturbance, before the law was enacted. Why then should we not follow so wise an example? But when the blame was



was so equivocal, when it was shifted from one to the other, enquiry became doubly necessary. Mr. Smith paid some compliments to the clergy, and concluded by hoping that the warmth of gentlemen's resentments would not make them deaf to the suggestions of their own humanity.

Mr. *Gardiner* thought it proper first to coerce the peasantry, and then when brought to obedience, to deliberate means for their relief. He was glad the clause respecting roman catholics was relinquished, as he had a petition from many respectable gentlemen of that persuasion, to present against it. He was happy he had now no occasion to do so.

Mr. *Curran* said, he had come to the house impressed with a sense of the insignificant figure to which the house was reduced in the course of this business. A committee had been appointed to consider this great subject—they met, but not to enquire into the real state of the country, but blindly to accede to a resolution proposed, without hearing one single evidence of any fact;—we are now, said he, called upon to treat this kingdom as if it were in actual rebellion, and to add a new list to the catalogue of capital punishments; but if we are reduced to the necessity of adding oppression to misery, and that we must condemn the wretched peasantry of this country unheard, the more blindly we are driven forward the better—Our degradation ought to be matter of consolation to us, as it must be of excuse. He would, however, he said, beseech the house to consider the danger contained in the principle of the bill, before they suffered it to go into a committee

committee. He then went into a view of the state of Ireland, previous to and subsequent to 1782. In the former period, treated as a conquered country by Great-Britain; cramped in her industry by her jealousy; bound by laws to which we never assented; kept in a state of weakness unable to resent, by the divisions artfully fomented among us; our peasantry reduced to the most abject misery; our employments of every description bestowed upon strangers; our nobles paid without being trusted:—The kingdom of consequence weak, idle, ignorant and licentious, and all this he attributed to the civil and religious disunion among the people. He then proceeded to the change since 1780,—the encrease of knowledge, of industry; the emancipation from unconstitutional power; and the happy escape from religious intolerance; the admission of our Catholic brethren to the national rights of fellow subjects and fellow christians. He then contrasted the former weakness of a divided people, with the state of strength and respect, to which Ireland had advanced by her unanimity in the last war. When England left you to guard yourselves, the spirit of a people then happily united sent into the field an army of citizens, without distinction of sects or tenets, and united in the common and glorious cause of defending their country. Your enemies were dismayed; and Europe saw us start from a sleep of centuries, and reclaim that station which we so long had relinquished in the scale of nations.

He then proceeded to state more particularly the present situation of this country.—The people



ple too much raised by a consciousness of their strength and consequence to be proper objects of so sanguinary a code as that now proposed. He observed on the general effect of severe laws; the over-strained severity of a law, said he, amounts universally to the impunity of the offender; for every good and social principle in the heart of man is an obstruction to its execution. The witness, the jury, the judge, concur by every practicable artifice to save the wretch from a punishment inadequate to his crime.— On general principles, therefore, he said, he would oppose the principle of a bill that was written in blood. But the general principle, he said, received double strength from the circumstance of the time. The disturbances of the South, he said, were not only exaggerated beyond the truth, by every misrepresentation of artful malignity, but were held up to the public mind in so silly or so wicked a point of view, as to make it impossible for Parliament to proceed without the most imminent danger of sacrificing every advantage we have acquired. And here, said he, let me advert for a moment to the state of our ecclesiastical policy for centuries past.

The church of Ireland has been in the hands of strangers, advanced to the mitre, not for their virtues or their knowledge, but quartered upon this country, through their own servility or the caprice of their benefactors, inclined naturally to oppress us, to hate us, and to defame us, while the real duties of our religion have been performed by our own native clergy, who, with all the finer feelings of gentlemen and scholars, have been obliged to do the drudgery  
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of their profession for forty, or, at most, fifty pounds a year. Without the means of being liberal, from their poverty; and without the hope of advancing themselves by their learning or their virtues, in a country where preferment was notoriously not to be attained by either. On this ground he vindicated the great body of the native acting clergy of Ireland, from any imputation, because of the small progress which Protestantism had made among us. The pride of the episcopacy, and the low state to which our ministers of the gospel were reduced, abundantly accounted for it. Their distresses and oppression, he said, were the real objects of Parliamentary consideration, and we could not interfere in the manner now proposed, without exposing them to the most imminent hazard.

He then adverted to the nature of the disturbances in the South. He could not justify these outrages. They ought to be punished; but we ought not to forget that we had ourselves expressly admitted, that they had proceeded from the supineness of magistrates, and the oppression of landlords. But now, he said, an act like this would be a proclamation of a religious war in the kingdom. A publication had been industriously circulated through a number of editions, stating that a scheme was formed between the Catholics and Presbyterians, for the subversion of the established religion and constitution; and the former were gravely informed, that their religion absolved them from all tie of allegiance to the state, or observance of their oaths. And this, he said, was not an opinion pronounced upon light authority, it was the deliberate assertion of a Reverend Prelate, whose judgment



judgment on one of the abstrusest points of our common law had been opposed, and with success, to that of our venerable Chancellor, who was, perhaps, the ablest common lawyer in either kingdom, except only those gentlemen who were not of the profession; he then examined the justice of the learned author's publication, which he condemned as founded in illiberality and misrepresentation, and tending to obstruct the advancement of our religion, and to annihilate the provision of the established clergy, and tending also manifestly to revive the dissensions, from which we had so recently emerged, and to plunge us into the barbarism from which we were emerging, or perhaps to imbrue us in the bloodshed of a religious war.

He said, that however the public may excuse the effects of mistaken zeal in the Reverend Writer, but this House would be degraded below itself, if it could adopt so silly an intolerance, or so abject a panic. He proceeded to shew, that this law would render the established church odious to the country, and, of course, prevent the progress of the established religion; that it would expose the maintenance of the great body of the clergy, to be stripped of the scanty pittance to which the cruelly unequal distribution of church revenues had so confined them; that it would involve us in all the horrors of religious war; would throw us back into the miseries of a weak, a licentious, and a divided people; it would be a repeal of the acts which our wisdom had made in favour of our Catholic brethren, in admitting them to the natural rights of fellow subjects and fellow Christians. He therefore said, he thought him-  
self

self bound as a man, anxious for the rights of the country, for its peace, its religion, and its morals, to vote against the committing the bill.

Mr. *Moore* spoke to the question, and amongst other things attributed the miseries of the lower class to the ambitious poverty of the intermediate landlords.

The *Secretary of State* asserted, that if any man would say, that the Constitution in Church and State was in danger, from the rising of a Popish peasantry, he would tell him he was mistaken. There was no such thing as a peculiar design against the established clergy, and the best proof of it was, that the insurgents had diminished the income of their own clergy by one half.

Mr. *Browne*, of the College, said, it was for particular reasons, extremely disagreeable to him, to open his mouth that night; but he found himself driven to say something in answer to a charge which had been insinuated against a Right Reverend Prelate, who stood very high in the public estimation, as if he had thrown an unfounded aspersions on the Roman Catholics. He knew him well, and had the utmost veneration for his character; and, in his opinion, the public were infinitely indebted for the production alluded to.—He said, since Gentlemen were so coy, he would not stand forward single in that House, to charge the Roman Catholics with fomenting the insurrection, whatever his doubts might be, but he would say that appearances has been used, as might induce the most sensible men to entertain such suspicions. Though the spring might be found elsewhere, it was very difficult otherwise to account for the mighty wave that had burst upon



us. Would avarice account for it? Would any man be so bold to say, that the combination against the clergy, was the combination of the landed avarice of Ireland? He would never venture to throw such a slur upon the gentlemen of the country. Avarice might be the parent, but rebellion was the nurse.

Would you seek its causes in the demerit of the clergy, unless the demerit of the present day was greater than that of times past? It was unargumentative. Would any man say, that the clergy were now more turbulent, more restless, less moral, less good citizens and good subjects, than formerly? For his part, he had been accustomed to think, that the clergy were rather more moral and much more decent than their neighbours; that they were as well informed, and as likely to contribute to the civilization of the country, as the downright country Squire; that they were as ready to forgive their dues to the distressed as the landlord, and rather more so. What then should account for these disturbances. The distresses of the country? No! The season of riot had been the season of plenty. In times of most remarkable fertility and abundance, the cry of distress had been raised by designing men, to make our reason a dupe to our humanity; like those monsters of the wood, who, by feigned cries, abuse the false compassion of the traveller, to his own devouring.

All these modes then of accounting for the disturbances failing, it was very natural to conclude, as some learned writers had done, that the Papists taking advantage of the outcry  
against

against tithes, which perhaps arose from avarice, or election craft at first, had fomented these disorders. They looked round where to sow the crop of sedition, and found the fertile field of landed avarice, and yet to say any thing harsh of them in a pamphlet was persecution, altho' there were no bounds to their abuse of us. Was it the privilege of toleration, to abuse establishment, and the duty of establishment to sit silent under calumny? Was it persecution to refute abuse, and retort crimination? Were they attacked wantonly, when their insidious priests came forward, and under a masked defence, made a bold attack upon the established Church? When, not content with the free exercise of their religion, they threatened to seize Protestant Churches to their own use, and offered propositions to Government, like the *ultimatum* of a besieging force demanding power and place, and profit. He thought that Catholics had not demeaned themselves, since the attainment of their late privileges, with modesty, with moderation, or gratitude; and he would venture to say, there was no body of men persecuted in this kingdom, but the clergy of the established church.

With respect to the bill now before the House, he felt himself, as he had often done, afraid, lest if he opposed government, he might gratify factions inimical to all he held dear; and if he supported them, he might become the unwilling instrument of unconstitutional designs. On the whole, however, he had no doubt, as to voting for the committal of the bill, because every one had agreed, that coercion was necessary, and it



was incumbent upon those who did not like this plan, to propose a better, which might be done in the Committee.

Mr. *Hardy* began with observing, that the argument made use of by a Right Honourable Gentleman, (the Secretary of State) was rather a singular one. He had said, that when the House came to the unanimous resolution, that some further provision, by law, was necessary for the suppression of the present disturbances, they had, in fact, given their sanction to a Riot Act. This was such an inference as was surely not deducible from such premises, nor would the House, he believed, join him in supporting it. An Honourable Member (Mr. Stuart, of Killymoon) had, in his opinion, very properly given the sentiments of Sir William Blackstone as to the Riot Act in England, that it was one of the causes of the great influence of the Crown; and though a Right Honourable Baronet (Sir H. Cavendish) had, to do away the force of this argument, represented Sir William as very inconsistent with himself, and had maintained doctrine in his commentaries very different from those which he supported. As a Member of the House of Commons, he believed that the worthy Baronet would agree with him, that if the versatility of some great lawyers was to be made use of as an argument against the reception of their doctrines in general, that very few of those doctrines would be able to keep their ground in opposition to such an argument;—however, in this instance, Sir William's opinion might, with perfect safety and propriety, be resorted to, not so much on account of his celebrity

lebrity as a lawyer, as because whenever he had an opportunity, he always, either as a speaker or a writer, leaned to the Crown, so that his testimony in this respect, was the most candid and disinterested that possibly could be had, and if it was his opinion, that a Riot Act in England was a great acquisition of force to the Crown, what must be the operation of a similar act in Ireland, where the Crown had already great powers—where a knowledge of the constitution was not so generally diffused, and where there was not strength enough in the national mind, nor in the constitution, to withstand any abuses or encroachments of power which might, and most certainly would be made under the sanction of this act? He had, therefore, the most decided objections to it, at the same time, the bill contained many clauses which met his concurrence, and therefore thinking in that manner, he could not, with any justice to his own opinions or feelings, refuse his assent to its commitment, where many of the exceptionable clauses might be so altered, as to render the bill palatable to those who would go every length that the constitution warranted them, to restore and maintain the tranquillity of the country. On this point, he said, every thing rested, and he had no hesitation to declare, that if the present enormities of the South were to continue; if, year after year, they were to hear of nothing but outrages and disturbances, that, in his opinion, the country could not go on—it would be coerced at home, and cease to be respected abroad.

He then said, that there was an opinion held by many, which, though a popular one, he  
could



could never subscribe to. It was this, that it was better not to place the outrages which have lately prevailed, in a strong light, and it would be more politic to throw, if possible, a veil over them; this he utterly condemned, and though he reprobated the idea of magnifying the late tumults for mere sinister purposes, whether ministerial or otherwise, yet when such outrages did exist, and sooner or later must be taken notice of, so far from keeping them back from the public view, or making any effort to conceal them, he thought it best not only that Parliament, but the whole kingdom, should be acquainted with them, no matter with what circumstances of present disgrace they were accompanied; the better the evil was known, the more enabled would the legislature be to encounter it; and though the immediate consequence might be a depression of the national credit, and an augmentation of penal laws, yet that credit would sooner revive, and those penal laws be sooner annihilated, where the evil was at once fairly and unequivocally given to the public, and of course more generally understood, than where a more timid policy prevailed, and the greatest part of the evil was assiduously kept out of the reach of public observance. In the former case, Administration would have no excuse to offer for not meeting those outrages immediately, and with a force proportioned to their extent. In the latter case, this timidity and disinclination to speak out at once on the subject, would, to a bad administration, be perfectly convenient and accommodating, as it would enable them to act what part they pleased,

ed, either by conniving at, or suppressing the disorder just as they thought proper. In every case, therefore, of this nature, he would always insist on it, that there should be no concealment, no disguise of facts, the outrage or disturbance should be unequivocally stated, and administration compelled to an unequivocal decision on the subject; nor should there ever be any further delay, than what the circumstances of the case would abundantly justify. He then reverted to the Riot Act, which he utterly condemned, and concluded with exhorting the gentlemen of landed property, to give their utmost assistance in support of the laws; as if they did not, the consequence would be a tacit submission to any ministerial plan or project, however violent or unconstitutional, which seemed to afford relief against continual anarchy and disorder.

Mr. *Forbes* rose to say but a very few words. He said, his Honourable Friend who had spoke last, had anticipated what he intended to have spoken on the present subject; on this occasion, he must differ from some Right Honourable and Honourable Friends, with whom he was used to co-operate; but he declared himself decidedly against the disorders and risings of some of the lower classes of the people in the southern parts of this kingdom. In not resisting the commitment of the bill, it does not follow, that he approved of it in its present form, by no means; for there were clauses in the bill, which, in his opinion, were highly exceptionable, and which, he hoped, would be expunged in the Committee, but the House should shew a decided determination



termination to adopt such measures as would effectually put a stop to these disorders; and, as it had not been denied but that riots do exist, and that, in some degree, coercion may be necessary, in order to quell them; for these reasons he was for going into the Committee.

Right Hon. *Mr. O'Neill*.—He did not rise to enter into the principle of the bill, though it did by no means meet with his approbation. He did not rise to give an opinion respecting the measures necessary to correct the disorders in the South, leaving that to gentlemen belonging to those counties who must be the best judges.—But he had made up his mind upon two points, that the remedies, whatsoever they were, should be *temporary*, and should be *local*.—To the first of these points, the Right Honourable Gentleman had agreed to consent; but to the latter, he had replied in a manner which had appeared to him to be too light for the dignity of the subject, and, in argument, totally unsatisfactory; to say, that making an exception of the province of Ulster, would act as a bounty upon the exportation to the rioters in the South, to retire to the North, was of no weight, and the short answer was, that going there, would prove the very means of apprehending offenders, who would be instantly distinguished as strangers, and would be given up to justice by the inhabitants of a country, who would feel flattered at being exempted from the penalties of this new law. That seeing it in that light, he earnestly requested, that the universality of this bill might be given up, as its perpetuity had been; If that were not to be the case,

case, he would hold it as duty, to give his negative to the progress of a bill, which, comprehended in its object, the throwing a stigma upon the province of Ulster, which it did not deserve, and annexing punishments which they had by no means merited.

Mr. *Warren* and Mr. *Neville* spoke likewise for the necessity there was for committing the bill.

Mr. *Conolly* begged to ask the Right Honourable Gentleman, what further bills did he intend to bring in, in order to extend the system he proposed.

The *Attorney General*, in answer, said, that in framing the intended bill for regulating the magistracy, he found one of the most difficult tasks he had ever undertaken, from the great variety of opinions entertained on the subject—The intention, however, was to make magistracy as respectable and as efficacious as possible—To render the Quarter Sessions in like manner respectable, and to be held more frequent, and to enforce the levying of the Green Wax Processes. As to what an Honourable Gentleman had mentioned, of its being the intention of Government to establish a general police bill, he never heard of such a measure, but through the medium of a news-paper.

Mr. *Conolly* remarked, that the riot act in England was not productive of any ill effect.

Mr. *John Wolfe*, in a few words, opposed the committal of the bill.

Mr. *Grattan* in answer to what had fallen from the Right Honourable Gentleman (the Attorney General) respecting the locality of bills, he instanced



stanced the case of the four northern counties in the year 1771, and the present police bill confined in its operation to the metropolis; and now as the Right Honourable Gentleman was willing to give up some exceptionable parts of the bill; he said, he was ready to go into the committee.

Mr. Stewart found it peculiarly necessary for him to say a few words, he was sorry he was under the necessity of differing with some gentlemen, with whom he gl-ried in co-operating; but as he considered the bill *in toto*, to be highly unconstitutional and subversive of the liberties of the subject, if he voted for its being committed, it would subject him to a charge of inconsistency, he must therefore insist on taking the sense of the house.

On the Speaker putting the question, that the bill be committed,

Mr. O'Neill repeated his request, that this principle might be given up, in order to obtain *unanimity*, and thereby give the *utmost weight* to the measure of the House; and expressed the *strongest wish to remedy the disorders* that had happened in the South, without doing injustice to the province where such had not prevailed.

The House divided when the numbers were,

Ayes for the bill being committed 192

Noes against the committal 30

Tellers for the ayes, Mr. Grattan and Mr. Brownlow.

For the noes, Mr. Stewart and Mr. John Wolfe.

The *Attorney General* then moved, that this house will to morrow resolve itself into a committee

mittee of the whole house, to take the said bill into consideration.

Sir *Henry Hartstonge* wanted to postpone it till Thursday; but on the Attorney General informing the house, that he had recent accounts of these riot boys committing fresh depredations, he was of opinion that there ought to be no time lost in passing the bill; his motion was agreed to.

Ordered, that the said committee be empowered to receive a clause to make it unnecessary to set forth in any indictment preferred for administering or taking unlawful oaths, the precise words of such oath or oaths, so administered or taken.

*Tuesday, February 20.*

After a short conversation between Mr. Stewart, the Attorney General, Sir Edward Newenham, Mr. John Wolfe, and Mr. Solicitor General, in respect to the propriety of inserting in the Riot-bill a clause to punish these magistrates who should be guilty of any misconduct under the act, this being at an end, the order of the day was read, when

The House resolved itself into a Committee of the whole House, to take into consideration  
 “ a bill to prevent tumultuous risings and  
 “ assemblies, and for the more effectual punishment of persons guilty of outrage, riot, and  
 “ illegal combination, and of administering and  
 “ taking unlawful oaths.” And,

Mr. Serjeant *Fitzgerald* being voted in the chair, the Clerk proceeded to read the bill, and the  
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blank in the second clause, for the time that the bill commences to operate, being filled with the words, 25th March, 1787,

The Right Honourable *John O'Neill* rose, and after expressing his dislike to the principles of the bill, and reprobating it as unconstitutional, and subversive of the liberties of the people, he moved the following amendment, in the second enacting clause, that, after the words 25th March, 1787, the following words be inserted "in the counties of Cork, Limerick, Kerry, and "Tipperary."

The *Attorney General* would never give his assent to a local law for the government of any particular district. It would be a precedent of the most dangerous nature, and such as might one day shake the constitution to the very centre. The precedent that had been adduced from the North was such a reprobated one, that he never expected to hear it, and he hoped he never would again hear it mentioned. It was nothing less, than urging as an argument, that because Irishmen had been deprived of their birth right, trial by jury, in 1772, in the North of Ireland, therefore, the North of Ireland should now be excluded from a bill that affected the South; and he thought the circumstance of the turbulence in the North of Ireland being so great was a bad argument why they should in the present year be exempted from an act for the prevention of turbulence. Another objection to this locality was—the late riotous and unlawful proceeding in the North, where a most outrageous attack was made on the private property of an individual, who was a peaceable and worthy member

member of society. Those rioters met by the orders of an absentee Peer, and under the direction of an engineer, proceeded to destroy works that had been erected on the strand near the town of Belfast, to keep out the tide. Houses had been built on it, and others were building. In the morning, lest the spirits of the rioters employed in this most illegal and daring act should damp, they were brought to Belfast, and plied with spirituous liquors, to inflame them the more. And the person who had set this work on foot, now avails himself of his privilege and situation, and will not appear to answer the action of the injured man in the courts of justice. He would be bold to say, that this attack, under the auspices of an absentee Peer of the realm, was one of the most outrageous ever known—and it did away the supposition of the North being in perfect and universal tranquillity. He would ask, if a riot-act had been in force, whether it would not have a salutary operation in the North at the time of this disturbance? and whether the magistrates under it would not be enabled to quell the riots? A riot-act could have no bad effects in the North, unless the people of it were addicted to riot; and if the people of the North should be addicted to riot, why should they not be punished as well as the people of the South? if there had been a riot-act, and the people employed by an absentee Peer of the realm knew that they hazarded their necks, would they have been guilty of the excesses they were? If the engineer had been apprized of the existence of a riot act, would he have hazarded his neck for the absentee Peer of the realm?—

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He repeated, that a penal law, to affect a particular district, was totally inadmissible. The people of the North had only to keep themselves quiet, and they would never feel the effects of the riot act. It was no answer to tell him, that if rioters emigrated from the South, they might be sent back to the North.—The case would be, that finding they could commit no disturbance in the South, they would depart in peace, and go immediately to the North, where they might commit it with impunity. The loyalty of the North had been much spoken of; he hoped it would long continue, and the riot act would have no operation in it.

Mr. O'Neill, of Shanescastle, said, though he felt great diffidence in rising to reply to a Right Honourable Gentleman of such authority, yet, as the circumstances alluded to fell so particularly within his knowledge, he was tempted to say a few words respecting the act of Parliament which the Right Honourable Gentleman thought proper to reprobate; he would only observe, that as being an act of the legislature, he could not avoid paying proper respect to it; that it bore one mark of its propriety, which was, it effected the purpose for which it was made; and that, since that act, no species of disorder had arisen in the enumerated counties. Respecting the transactions so circumstantially described, he said he did not know how far it was proper to introduce a subject which was at issue in the courts of law, into the assembly in which they then sat; but since so much had been said on one side, he would venture to make a few observa-

observations. This instance was adduced as a proof of a riotous disposition of the country. Did gentlemen think that the persons collected together acted as in riots—each for themselves? No; they acted as under obedience to a master, on whom they relied for exculpation of any acts done by them; therefore this mighty instance of riot, instead of being a riotous disposition of individuals, turns out to be the act of but **ONE MAN**; and the propriety or impropriety of that act is still undetermined in the courts of law; therefore he congratulated himself on the high character that the people of the North must confessedly be allowed to stand in, when, after an attempt of accusation for riotous disposition, one single instance can only be adduced; and that accusation sinks into the narrow bounds of a single individual contending perhaps improperly for a point of property.

Mr. *Forbes* said, he trusted that no person, who recollected his vote the preceding night, would impute to him any intention to oppose any measure which was really necessary to enforce the due execution of the laws, and preserve the peace of the country; but he never would consent to sacrifice the constitution of the country to the preservation of its peace. He considered it as a libel on the principles and frame of that constitution, to contend that there was no other means of supporting the government, but by enacting laws in direct contradiction to the principles of the constitution. He confessed, that he did not feel his mind prepared to adopt measures so penal and rigorous in the extreme; though he admitted, that disturbances existed in one part of the kingdom, for the suppression  
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of which, some assistance from the legislature might be necessary, yet no evidence had been laid before the House, to induce him to believe that any evil which existed was of such a nature, as to require so strong and severe a remedy. In respect to this subject, gentlemen in this House had reported very differently. He admitted, that Members of great veracity and honour had represented, that the crimes committed by the people of the South were of such a degree of enormity, and the disturbances of such an alarming nature, that nothing but a most powerful interposition of the legislature could restore the peace of that part of the country; but other gentlemen of equal honour and veracity, and with equal opportunities of information, had stated, that the disturbances were considerably exaggerated by the accounts given of them by many gentlemen; that the laws now in being, with some aid from the legislature, in few instances, were sufficient to suppress those disturbances; and that the situation of the southern parts of this kingdom did not justify the introduction into our statute book, laws so unusually severe and penal. Where the evidence on this subject was so contradictory, it was impossible that any gentleman could assent to the arguments of those who contended not only that the situation of that province, but of the whole kingdom, required the adoption of such a rigorous law as the English riot act. Mr. Forbes said, before he could give his vote for such a measure, he ought to be possessed of better information, and that a Committee ought to have been appointed to inquire not only into the cause and nature of the disturbances in the South, but the state of  
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the whole kingdom; and when this objection was made by a Representative for a county in the North, he was much surprized to hear the Members of Administration demand of his Hon. Friend, (Mr. Montgomery) why he did not move for such committee? How useless and absurd a measure would it have been for any Member of the North, to institute a committee to inquire into the disturbances in the South? Could such an inquiry be conducted with any advantage or effect by a person who was a stranger to the circumstances, customs and characters of the people of that part of the kingdom? Mr. Forbes said, he considered it to have been a duty more incumbent on the Members of Administration, as five of the seven gentlemen who usually sat on the Treasury-Bench, were persons of the first property and consequence in the South of Ireland; but it was peculiarly incumbent on the Right Hon. Member who had introduced this bill, as he had stated, that the peasantry of the South of Ireland, were the most wretched and oppressed people of any in the world. He should have looked the situation of the country fairly in the face, and not have proposed a partial measure, but some system which would have tended to the settlement of the country; and in this the Right Hon. Member would have the co-operation of him and every other gentleman; but what relief has the Right Hon. Member proposed for the distresses of the South? Nothing but penal laws. Mr. Forbes said, that many gentlemen urged as an argument to justify the adoption of the measure proposed, that a riot-act had long

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long existed in England. But he asked, Did the same necessity exist in this kingdom at present, which had at different periods in England induced the legislature of that country to enact this law. In the reign of Edward VI. when a riot-act was first passed, it was found absolutely necessary for the support of the reformed religion, and to suppress tumults in different parts of England, amounting to rebellion. In the reign of Queen Mary, a riot-act was re-enacted, but not so highly penal as the bill now under consideration; offenders against it were not punished with death, even the sanguinary policy of that reign revolted against such a measure. In the reign of George I. the act now in force in England passed. Let gentlemen examine the preamble of that act where the causes for passing it are stated, and then they can decide whether the same necessity now exists in Ireland for adopting this law, as did in Great-Britain in the reign of George I? Mr. Forbes mentioned, that the preamble stated, that there were rebellions, riots and tumults in *divers parts* of the kingdom, endangered his Majesty's person, and continued and fomented by persons disaffected to his Majesty. Mr. Forbes then observed, that no person within that House had even insinuated, much less imputed, the disturbances to any rebellious motives, or that they had been fomented by persons disaffected to his Majesty; nor had there been a shadow of evidence laid before the House, that these disturbances existed in *divers parts* of the kingdom; therefore, on this principle alone, it was impossible for any gentleman consistently to vote for  
a riot

a riot-act to operate on the whole kindgom ; for his part, if the amendment of his right hon. friend was not adopted, and the bill in its operation confined to the counties which were the scene of the disturbances, he should vote against every clause in the bill, which was transcribed from the English riot-act. Mr. Forbes mentioned, that Sir William Blackstone styles the English riot-act, a vast acquisition of force to the Crown, and mentions, as a counterbalance in some degree, but not completely, the different acts to restrain the undue influence of the Crown, which were passed since the Revolution, as the bill of rights—the act for excluding pensioners and placemen from the House of Commons—for limiting the civil list—the *nullum tempus* act, to which Mr. Forbes added, acts passed since the same principle as those, for preventing revenue officers from voting at elections—for excluding contractors from the House of Commons, and for limiting the amount of the pension list. He then observed, that not one of those laws were to be found on the Irish statute book ; and asked gentlemen whether they could reconcile it to their duty to give this vast acquisition of force to the Crown, without enacting at the same time, those laws, which the wisdom of the legislature of England had provided against the abuse and encroachment of the encrease and formidable power of the Crown. He said, he never could support any system which tended to adopt all the defects of the British constitution, and rejected all its excellencies and advantages. Mr. Forbes then said, that if the characters of the people



of England and Ireland were compared, it would be found, the law proposed was not adapted to the present situation of this kingdom. There was a principle of primæval equality which prevailed in the minds of the Englishmen, and placed them, to a certain degree, in such a state of independence, as occasioned their opposition to the abuse and perversion of the laws, by persons in authority; there was something in their nature and character, which impelled them to resist every encroachment of power, though proceeding from men of the highest rank, and directed against the meanest individual; by this means, an addition to the strength and force of the executive power, cannot be of such dangerous consequences in England as in Ireland, where, from the oppressed and impoverished state of the people, they are disqualified from resisting the encroachments of power; and where many circumstances must obtain, which do not now exist, to raise the Irish character in this respect, to the English standard. He also observed, that in England, the power of the executive magistrate might be encreased with less danger, and their liberty had taken deep root; but here it was planted just beneath the surface—it had shot forth suddenly, but not having taken deep root, it might easily be plucked up, if not guarded and cultivated by a firm spirit and warm zeal on the part of the people. Mr. Forbes concluded with declaring, that he should vote for the amendment.

Mr. *Hobart* spoke, and alluded to something that had fallen from Mr. Curran, at the opening of the session.

Mr.

Mr. *Curran* considered himself called upon.—He explained the sentence alluded to by Mr. Hobart, by saying that many gentlemen would have done more to suppress the insurgents, if they did not consider them as labouring under grievances. This was his meaning at that day, and his belief at the present. An Hon. Gentleman had indulged himself in an episodical plenitude, but he should not imitate him, nor talk of the commander of the church, or the commander of the army, as he had done. He was sorry that when disposed to diffuse the rays of his panegyric, they were not vertical, like the beams of the morning, that courted the tops of the mountain, and left the vallies unilluminated, they applied only to the great, while the distressed poor were in the shade. He considered the clergy of the South, an oppressed and unfortunate body of men—confined to poverty by the cruel policy of their own laws—he should be sorry to be thought seeking for causes of complaint; he had purposely avoided speaking on many. He could have proved, that much of the disturbance arose from clerical neglect, and the motive of the insurgents might excuse, though not justify their conduct. He would mention a circumstance of disturbance in the very diocese from whence the publication so much rebrobated issued—in a parish worth 8 or 9000 l. a year, which would make the house blush. It was a rising to banish a seraglio of prostitutes, kept by a Rector who received near a thousand a year from the church; and to reinstate the unoffending mother and innocent children in the polluted mansion. Perhaps he was not keeping the secrets



crets of the church as closely as he ought. But two questions arose upon this. Did the learned proclaimer of diffention know this? and if he did not, why did he write upon the state of the country, when he was ignorant of that of his own diocese? He then objected to the universality of the bill, as the severity of it should only fall where it was merited; and so far from any danger to the constitution, in church or state, existing, it was his decided and rooted opinion, that there was no Roman Catholic in the kingdom possessed of 5l. property, that did not wish for the due observance of the laws. But such was the abject misery and distress of the very lower orders, that they might consider, and he did not doubt but they might be right, even the being employed to act against the laws as a favourable change of their condition.

As to the argument of a riot act existing in England, he replied, that it was adopted in the time of rebellion, in the days of Edward the 6th, when the sacred religion of the country was attacked. It was continued by his bloody successor for the establishment of a different religion. From the time of Elizabeth to the reign of George the 1st, it remained to that oblivion which it ever should—but it was then revived to guard the Crown, and to prevent the Protestant Religion from sinking under the ruins of the Throne. Such causes could not be alledged in this kingdom. Having answered this argument—he entered upon the locality of the law, and demonstrated that it would be highly salutary. If the North was excluded it would hold out the highest encouragement to peaceability and decorous

decorous demeanor to the inhabitants of the South,—they would then see that they had merited the punishment, by having been singled out for its operation. The people of the North might say to those of the South, “come from under that bondage which has been imposed on you and be like us—in order to do so, you need only be peaceable.” This would be alarming their pride, and if a man’s pride was once raised it had more effect than could well be conceived. It had been mentioned, that in 1772, there had been riots in the North; but none since. Surely then the honour of the amendment should do away the remembrance of the transgression, and consign it to oblivion. They should not visit the crimes of the fathers upon the children; and he thought that after the trial of 14 years, the North should be entitled to the confidence of a wise legislature. But it was said, that the insurgents would emigrate to the North. If they did, when they would behold the moderation and industry of the people of that quarter, it is more than probable they would be struck with a sense of their folly, and they would return from it the missionaries of virtue, as they had come into it the incendiaries of rebellion. He then noticed the disproportion between the crime and the punishment. If murder was punished no higher than a petty transgression, it would impress the lower orders with a dangerous idea, and banish all distinction of crimes. It would look as if the legislature thought no more of the preservation of the life of a man, than they did of the preservation of his hedge, and it would be strange if the legislature would  
decree



decree, that the tendering an oath to a man was as heinous a crime, as holding a knife to his throat. The laws should have force, but that force should never be seen; there should be a kind of superstition in the people, which would prevent their discovering it. Omnipotence was an attribute of Parliament; but to pass such a law as this, would be the impotence of Parliament; for if the jury commiserate the criminal, if the judge melt in tears, and his humanity satisfied that the man escape, the law enacted by this bill, would be like the thunder, which made a great noise, but rolled over the head innoxious.

Mr. Curran made many observations of this nature, and returned to the subject of including the whole kingdom in the act. He said, it was only by the body being diseased, that the administration of medicine was harmless—and so coercive laws were only harmless, where there was a resistance from tumult, as in the body a resistance from disease. If medicine was administered, therefore, where there was no disease to resist it, the consequences would be destructive, and so if coercive laws were enacted, when there was no tumult to resist them, the consequences must be equally fatal.

After having illustrated this argument, he feared, that as the coercion was so great, and as no means were taken for the relief of the poor, rebellion would go out in the dark, as in arbitrary countries, stalk abroad at midnight, and add its solitary faggot to the heap, until the blaze would be at length kindled, and the whole kingdom set in a flame.

Major

Major *Doyle*.—As I perceive that gentlemen in speaking to the several clauses of this bill, have entered into a discussion of its general merits, I shall, with permission of the Committee, avail myself of the precedent. I had, indeed, intended to have delivered my sentiments at large, upon the subject, in the debate of last night; but beside that, I found myself ably anticipated in many points, I felt too grateful for the past indulgence of the House, to trespass upon its exhausted spirits. I therefore contented myself with a bare negative to the committal of the bill, and though I had the misfortune of differing on that question, from many respectable friends of mine, yet, Sir, I never gave a vote, which, upon reflection, affords me more satisfaction—nor indeed is my opinion altered by the letter, which was afterwards produced by the Right Honourable Gentleman, (Attorney General) stating the violent and sanguinary code of laws, which Captain Right had the insolence to ordain for his riotous followers.—Why, Sir, every man must see the letter to be the production of some arch wag, as a parody by anticipation of the Right Honourable Gentleman's own bill, and it must be confessed he has succeeded marvellously well—Before I enter upon the bill, let me take notice of two arguments, adduced for its committal, which seemed to have weight with some gentlemen; and which, I confess, appeared to me to carry very little force with them—"The first, That the bill should be committed, and thereby its principle established, because, "its title is unexceptionable." If this were fair argument, must



must not every bill be committed; for would any man be so absurd as to bring forward a bill, with an exceptionable title, to damn the measure upon the very face of it—The sample is always good, though the commodity may be damaged. And we know that much mischief has been done, by bad bills with good titles, and *pernicious pamphlets* with *prefaces specious and plausible*—Again it is said, we should commit the bill, because in the Committee we may purify it from those clauses, which all parties agree to reprobate—Now, if a clause is too bad to meet any support here, it was certainly too bad to have been introduced.—What would you say to a merchant who should ask ten prices for an article, and if you were ignorant or giddy, would take it.—But who, if you, (attentive to the interest of those who employed you) should cheapen it, would be well satisfied with the tenth of his demand—would you not say, he was unfit to be trusted by the public.—Or suppose a robber (parleying with your servant for admission into your house at night) should say—I am indeed no robber, though I have a suspicious appearance, do, let me in; for you know if I should even prove a robber, you can at any time find means to turn me out again.—Now I do not think the door should be opened. However, as a majority are of a different opinion, I conclude I am wrong—And shall therefore now speak to the bill as it is committed, “*with all its imperfections on its head.*” For though there is an idea prevails, that some clauses will be given up, yet the Right Honorable Gentleman takes pride in  
 having

having inserted them; if his object was to wound the feelings of an unoffending and loyal body of men, I fear he will have succeeded—a blow directed against a man, is as great an affront as though it were not intercepted by the arm of a friend—If you tell them you consider them as enemies, you may perhaps make them such *Crede quod habes et habes*. In giving my sentiments upon this subject, I do disclaim in the strongest manner every idea of party influence. The subject is of too great magnitude—and so far am I from wishing to be understood as in opposition to government—that I will be bold to say, that there is not a man in this house, or in this country, who would go farther to support the good government of it—and I do think, that I strongly evince my desire of strengthening the hands of government, when I oppose a bill, which by its tendency to alienate the affections of the *governed*, must inevitably weaken the hands of those who *govern*.—For it is absurd to suppose that government in those countries can exist by *force* alone, and if it could, I am sure the noble Duke who represents our gracious Sovereign, would disdain such means. No, Sir, the constitutional principles which were implanted in his mind in his own country, are too deeply rooted to be warped by any evil communication he may have had in ours. And when I mention this noble Personage let me add, that as far as the influence of private virtue, and personal good qualities is *suffered* to operate, this country can have nothing to apprehend.—But it is the misfortune of his situation to have persons



persons put upon him, whose political principles are diametrically opposite to his own.—Now, Sir, I will state the arguments urged for the introduction of this extraordinary measure, and shall endeavour to give an answer to each, 1st. then the riotous behaviour of the peasantry in the South—I do admit that *some* of the peasants in *some* of the counties of *one* of our provinces have committed very heinous offences, for which I hope they may suffer the utmost rigour of the law; and I think it behoves every friend to this country to assist in bringing such ruffians to punishment—but though their conduct strikes me with indignation, it does not with astonishment! *Oppression will make even a wise man mad*—how must it operate upon an ignorant peasant!—that they are and have long been sorely oppressed every man will admit—I have the authority of the Right Honourable Gentleman himself for the assertion. This is not the time to enter into an investigation of the causes from whence their distresses have originated; I hope an opportunity will be given for enquiring both into the causes, and the best means of removing them; neither of which appear to me so difficult as is generally imagined, and I think a mode may be devised advantageous to all parties.

But this is foreign to the argument. Year after year, have these poor unfortunate men looked for relief from the legislature of their country, but vain were their hopes—and *hope deferred, maketh the heart sick*. Nay, Sir, those who pleaded in their behalf were derided; and I beg the House will attend to this circumstance

(as the principal reason given for refusing any relief to their present distresses, is, that some of them are in a state of riot.)—The first session I had the honour of a seat in this House, I did propose to relieve from the tax of hearth-money those poor creatures who possessed but one hearth. I was answered, No,—The people do not complain. Will you lend them a grievance? Now that they do not want to borrow grievances, having plenty of their own, their very complaints are given as reasons against relieving them. It is asked, will you relieve people in arms? I say, No; I will punish *them*, but I will relieve, instead of punishing, the distressed, who are not in arms. The second reason given, is the insufficiency of the laws.—Now I quote the Right Hon. Gentleman himself against the argument, for every man must remember the mark of expression of that gentleman upon a former occasion, when the peace of the country was said to be in danger from persons of an higher rank, “That the arm of the law was too strong for any who should dare to oppose it.” I rejoice that it was. But if it were too strong then for supposed offenders of high rank, can it now require additional strength against offenders of this low despicable description. Sir, our laws are already too numerous and too sanguinary; let us not therefore stretch them till they emulate the bloody code of Draco—“Now  
 “this Draco was the Attorney General of  
 “Athens; he was fond of *strong government*; he  
 “punished every crime with death, and was  
 “therefore said to have written his laws not in  
 “ink, but in blood.” Sir, when the Right Hon.  
 Gentleman



Gentleman desired leave to bring in a bill for the further strengthening the hands of government, I was silent; though I did not see the necessity for the measure. But I thought unanimity in this House, upon that occasion, would mark to those deluded wretches, that though many felt the distresses of the poor, yet none would countenance the outrages of the riotous. And I had hoped, the Right Hon. Gentleman would have looked for the same unanimity by the moderation of the measure he would produce. In vain we look for it in this bill. In every sentence, death and devastation meet the eye. Persecution and gloomy bigotry sadden every page.—The third reason is, the maladministration of the magistrates; I do not defend them—But great grievances are apt to excite great feeling, even to the relaxation of duty. No new law is necessary for their punishment. The Right Hon. Gentleman has a ready remedy, which we know he has not been unapt to use; I need not say I mean ATTACHMENT, and we know it has been used in cases not justifiable. The last, tho' not the least reasonable, is the danger of the established church and the constitution, so materially connected with it.

For my part, I do not see what religion has to do with the business; and I wish most sincerely it had never been brought into the question. If robbed on the high way, would you think of enquiring the religion of the robber?—In speaking to this point, I trust I shall not be out of order, if I take some notice of a late pamphlet upon the principles of which this bill is evidently founded

founded. The first is declaratory—the last enacting—persecution the object of both : Were it anonymous, or under a fictitious signature, I should pass it by in silence; but the elevated rank, the sacred function—nay, the respectable character of the Rt. Rev. Author, all combine to give weight to the misrepresentation it contains. Sir, it was with great indignation I was a witness to the ill impressions which were received in the sister kingdom, of the state of this country, from the misstatements of that pamphlet. Ireland is represented as being on the eve of a rebellion, or rather (as was eloquently expressed by a much-lamented character) in a state of *smothered war*; for that seven-eighths of the people were determined to overturn the present establishment in Church and State; for it is gravely asserted, that *Lord Peter is reconciled to his rebellious brother John, for the purpose of pulling down poor brother Martin*. If this were true, the legislature should, in common prudence, take measures for the extirpation of those who look for its destruction: And I do not know whether it would be very expedient, even though it were possible, to extirpate seven-eighths of our inhabitants.

But, if it be not true, can the pamphlet be called any thing but a libel against the credit of the country. Will any man of property settle among us; or can any man who hears me, though perhaps the best security in the nation, borrow one guinea when Ireland is supposed to be in a state of rebellion. This affects only our credit, the libel goes farther—it disturbs our internal peace; it destroys the confidence  
between



between man and man, and tears open, with the unhallowed hands of gloomy bigotry, the wounds just healed by the balmy spirit of philanthropy.—God forbid, Sir, that our holy religion should depend for its support upon persecution. No, Sir, its greatest glory is universal toleration and benevolence ;—I should be sorry to be misunderstood when I advert to the mistakes of one Right Rev. Prelate, as though I should glance at the respectable Bench on which he sits. I have the honour of being known to many of their Lordships, and I respect the characters of them all. At the very time, and in the very province, when the pamphlet of one Right Rev. Prelate was strewing dissensions among the followers of the gospels, the pen of another was more ably employed in the honourable work of harmonizing those Gospels—(Dr. Newcomen, Bishop of Waterford.)—But for the honour of religion—for the honour of humanity, I am willing to believe, that the Right Rev. Author did not foresee the mischief he was about to do ; I impute it to an indiscreet zeal for the good, and perhaps for the *goods* of the church, and I shall only say, “ *That the zeal of his house hath consumed him up.* ” Now see how unjust it is to visit upon the whole Roman Catholic body the sins of the rascal few ; for I will suppose the majority of those rioters to be of that, (if they are of any religion) because the majority of the inhabitants of that province are so. If a party of those ruffians attack the property of a clergyman, it is considered as a deliberate design of the whole body to overturn the established

blished religion, (although some of the most respectable of that community shall have been most active in bringing them to punishment) and although their own clergy suffered by them, in common with ours. Might it not be as well argued, because the property of a much-respected friend of mine, one of the ablest judges in the land, was attacked by a mob in the North, who were probably of the Presbytery, because the majority of the lower class there are of that persuasion, that therefore the whole body of Presbyterians had a deliberate design to overturn the law;—the reasoning is equally absurd in both cases. It is no bad maxim where there are two handles, to take hold of the cleanest. I should therefore judge of those people from the conduct of the most respectable, not of the most profligate individuals. The demerits of the latter are blazoned forth, while the merits of the former are lost in oblivion. Nay, I may say are to be punished. The Protestant Clergy, and the whole county in which he lives, have unanimously returned thanks to a respectable nobleman of that religion, for his exertions in preserving the peace of the neighbourhood, where his influence is deservedly great. And yet by this bill, the Chapel of this very nobleman may be pulled about his ears, if a Right-boy shall be sworn in the vicinity of it. Could it have been believed, that, within five little years, from the glorious revolution of 1782, Toleration should have need of advocates; a principle by the operation of which, directed by the ability, virtue, and public spirit of my Right Honourable



Honourable Friend upon the floor, (Mr. Grattan) this revolution was accomplished, and I will be bold to say, that by toleration alone, Ireland can continue free and independent. By being united, you recovered your constitution;—suffer yourselves to be disunited, and you will recover your chains.—*Divide et impera* is the maxim upon which the bill is founded. It is unnecessary for me to add, I am against it.

Here Mr. Conolly rose, and entered with some warmth into a vindication of the Right Rev. Prelate alluded to by the last Speaker, and said, his Honourable Friend (Major Doyle) could not be acquainted with the character of that Prelate, if he imagined him capable of any intentions in publishing that pamphlet, which were hostile to this country; he had not read it, until it was published, and did not see it in the same light in which it appeared to his Honourable Friend, but that he was confident, the Right Rev. Prelate had the best wishes for this country.

Major Doyle. Sir, I have no doubt but the Right Reverend Prelate deserves every praise that my Right Honourable Friend has bestowed upon him, but I think his pamphlet deserves all I have said upon it. I confined my observations to the work, and not the author; but it would give me great concern, if any thing which fell from me could in the smallest degree hurt the feelings of my Right Hon. Friend. But when the Right Reverend Prelate sent his book into the world, under his own signature, upon a matter of so great importance, he must have expected

expected it would have been commented upon. But to convince the Committee that the mischievous tendency of the pamphlet is not imaginary, I will state a fact of which every man may judge for himself.—Immediately *previous* to the publication of this pamphlet, I saw in a church in the North of Ireland, a congregation in which several Dissenters and Roman Catholics had joined those of the Established Religion. The Protestant, the Presbyterian, and the Papist were all worshipping their common God in the Protestant church. I admired the enlightened spirit of liberality, which seemed to pervade the country. I asked how it happened? I found that the clergyman preached nothing but religion and morality; and I found he did not write pamphlets. Upon my return, and immediately *subsequent* to the publication of the pamphlet, I found the spirit of philanthropy had fled; and in its room appeared a gloomy jealousy and distrust, which terminated in a direct attack, made by a party of Dissenters upon a few of their Popish neighbours, which latter were forced to take refuge for several nights, under the protection of their landlord, a respectable Member of this House. This confirmed me in the idea I had conceived of the dangerous tendency of this pamphlet, when I had first read it: I must suppose the author intended it should have had very different effects; for otherwise I should not think I had done my duty by my country, in treating it with the moderation which I have done.

Mr. *Browne*, of the College, lamented that he should again be called up at a late hour, and in a frame of mind ill-suited to addressing a large



audience. But he could not suffer any attack upon the Right Rev. Prelate (on whose pamphlet they had so unnecessarily and improperly sat in judgment) to pass unnoticed. It was very extraordinary, that a pamphlet should be attacked for language which had been held that night by half the House. He had said nothing more than had just been said by a learned gentleman on the floor, (Mr. Wolfe) and received by the House with the utmost applause: That there were dangerous parties in the kingdom, who would take advantage of the present disturbances, if they proceeded further, and form schemes not dreamt of at first. That there was a faction in the country, (and so there was, and no man would deny it,) hostile to the established church, hostile to the Protestant ascendancy, hostile to the acts of settlement, and the titles to their estates. That the property of this country differed from that of any other country in the world. In other countries the landed title is purchase, here it is forfeiture. The old proprietor feeds the eternal memory of his ancient claim. The property of this country resembles the thin soil of volcanic countries, lightly spread over subterraneous fires. That such a party would naturally wish to run down the established church; that the attack upon tythes would afford them an excellent instrument, which they would not let slip, was what the learned Prelate had said, and what numbers of the most respectable gentlemen in the House had confirmed. The pamphlet had been improperly introduced, and afterwards entirely misrepresented. The writer was one of the most learned, most respect-

pectable, most useful characters ever known.—Where could be found a man with equal means of doing good, who had contributed more to the advancement of religion, and the good of society. If gentlemen were so fond of condemning books, why did they not notice a book that was a creed among the Roman Catholics—a History of Ireland, written not long since by a Dr. Corry, and lately published by a celebrated character of that persuasion. In that the Protestant gentlemen of this country were represented as invaders and usurpers, violaters of treaties and public faith—The very eldest born, of perfidy and injustice. The *captive fauces* never were made more a reproach to the Romans, than the pretended violation of the articles of Limerick. If such books as these passed without censure, and the most meritorious publications of the heads of the church were reprobated, what would people without doors think of the House of Commons, and what encouragement would it give to the enemies of establishment?

Mr. *Browne* denied, that the learned Prelate, or himself, or any other man, had thrown an indiscriminate slur upon the whole body of Roman Catholics; on the contrary, he was sure great numbers of them were highly loyal, and most strongly attached to Government: But that, surely, could not be alledged as a reason for raising them on the ruins of the established church, and with the risque of a subversion of all property.

He said the pamphlet had been most grossly misrepresented, as to its being aimed against  
Protestant



Protestant Dissenters, whom he considered as very meritorious and as strong friends to liberty, and the constitution in state, though not in church, which indeed they did not themselves pretend. He concluded with several reasons in favour of a riot act.

*Sir Edward Newenham.* I would not now trouble this house, but for some expressions dropt by a Right Honourable and learned member (the Provost)——The doctrine he has laid down, never can accede to; he denies locality of representation to be binding on the representative, and deems every Member a general representative; I speak under every disadvantage, in differing from so great and respectable an authority;—but I deny the position; I think every Member in this House is bound in duty, in the first instance, to take care of the honour and interest of his immediate constituents; that being accomplished, the general representation becomes his second object; Cork may have a separate interest from Dublin; it would ill become a Member of Cork to yield its interests to those of Dublin, on that ground I must differ from my Right Honourable Colleague and vote for the motion now before the committee, to exclude the county of Dublin, from this bill of pains and penalties; that county was never disgraced with insurgents against the established church; I would defend the rights of the established clergy at the hazard of my life and property if it was made local, particularly, as that insulting and oppressive clause against the Roman Catholics, a clause the most tyrannical that ever appeared, is  
given

given up, I would vote for a considerable part of the bill; an Honourable Member on the floor has mentioned, that the thirteen stripes were carried through some counties by these daring insurgents, I wish he had named the county that disgraced that glorious banner, by displaying it in a bad and unconstitutional cause; that banner is sacred and belongs only to these real friends of constitutional liberty, who saved America from slavery; whenever the liberties and constitution of Ireland are in danger, no doubt but the Irish Harp will be properly displayed.

Mr. Grattan. I do not wish to prolong the debate on this amendment, it has taken up too much time already. It is fair to suggest amendments, though not always proper to press them; all I say with respect to the present amendment is, that the idea of it is not liable to the charge of absurdity, with which gentlemen have loaded it. I stated yesterday that the bill with all its other objections was universal and perpetual; the removal of the other objections by the concessions of last night, and the agreeing to limit the duration of the bill, does in a great degree diminish the objection to its universality and make it a matter of much less moment.

However the idea is not that absurdity which gentlemen have conceived. You acknowledge this bill to be a measure founded on the excesses of a *part* of the kingdom, and to be a very strong measure of coercion for *those partial* excesses, not a penal code for the nation; but a temporary occasional act of terror applicable  
only



only to a particular part of it; on that principle the idea of its restriction to that region of excess which made it necessary, is not absurd in conception, nor would it be so in consequence; for if the terror of this law shall drive the insurgents of the South to the North, as is supposed, it will have had part of its effect; it will have dispersed the insurgents of the South, and have prevented the repetition of their crimes; and unless you think that the crime is transitory, and that men in the North can burn churches in the South, and confederate against the tythes of the Southern Clergy, these insurgents, so dispersed, will probably be taken, sent back to their country and executed under the law; there is therefore no absurdity in the consequence of this idea, nor do I see that it is unprecedented: You have, in the act relative to the Hearts of Steel, made laws *penal and local*, not only changing the venue in four northern counties, but altering the nature of certain offences, which have or *shall* be committed in those counties. Gentlemen reprobate this act; yes, but here is that precedent which you denied to exist—a partial penal law, for which most of you voted. I do not mean to justify all the principles of that law, but I will say, the locality was the best part of it, so much with respect to an amendment, which, if carried, must be greatly extended, for it must go not only to the four counties named, but to the whole *province of Munster, part of Leinster, and part of Connaught*; so much for an amendment, which, if pressed and insisted in, I shall vote for; though I see no reason for a division among gentlemen on the subject,

subject, or pressing it any further. But tho' the amendment should be given up, I shall vote for the clause without it. I think the times require something of this kind. The debate to-night has shewn it, and the state of the country calls for it. Better, perhaps, restrain the extent of a measure of coercion ;—but, at all events, a measure of coercion is necessary.

Mr. Corry said, in the present circumstances every possible aid ought to be given to the government to strengthen their hands where requisite, and render their exertion effectual, and accordingly every degree of concurrence had been afforded by gentlemen on that side of the House, that wisdom and the constitution could warrant, with a coolness and moderation that he highly applauded. He had, for one, from a motive of moderation, on the last night, refrained from objecting to the bill, though he by no means thought it unobjectionable, because, if he had any weight to add to the executive, at such a time as this, he would do it even though it might not be altogether necessary. From the debate of the night however, a stranger would have imagined that the question was, whether any disturbances at all existed in the South. No man questioned that disturbances did exist, and therefore in his opinion the private detail of them might as well have been avoided ; certainly the endeavour to prove the North of Ireland to be in a similar situation, could not be very wise, when the fact was really otherwise. Some disturbances there had been talked of, he was just returned from that part of the country, and he could truly say, that



that any petty irregularities that had happened, were as despicable for their movers, as insignificant in their extent, and were at the time he spoke, altogether too inconsiderable to be noticed or ever mentioned in that House, or any where else. He got up for the purpose of disabusing the House on that point, and would add so late in the debate but one word more. The question was, he said, the North being in peace, whether you would extend this bill there? in his opinion, better not. Jealousies and conjectures, as to its effects and intentions, might arise there of a nature too delicate to be discussed, or ever to be mentioned, in direct terms; he forebore therefore to do so. (Mr. Corry used some other allusions on this point.) You have the North in peace, let them continue in content and quiet, and thereby keep one part of the kingdom your sure and steady friends, nor wantonly risque disturbing their repose.

Sir P. Hutchinson said, that he could not find in the riot bill (as the clause concerning Popish chapels was withdrawn) any traces of intolerance to either sect of dissenters; nor could he discover such traces, nor the spirit of sedition, (as had been alledged in the course of that debate) in the pamphlet of the Right Rev. Prelate which had been alluded to. That Prelate had fully proved himself a friend to toleration, by the warm support he had given in another House, to the bill for repealing the penal laws against the Roman Catholics. And a strenuous patron of the poor of this kingdom, by the excellent pamphlet he published many years ago,

ago, which proved the justice of their claim on the rich, for the relief of their necessities. A pamphlet which he hoped would never be forgotten in this kingdom; that he could not see any connexion, as had been insinuated between the first mentioned pamphlet, and a riot, which, was said to have happened since its publication in a village in the North of Ireland.

*Wednesday, February 22.*

The House in committee on the Riot-bill. Several alterations took place and some obnoxious clauses were entirely expunged. Went through the whole, and ordered the report to be received to-morrow.

*Thursday, February 23.*

Mr. Serjeant Fitzgerald brought up the report on the riot bill, when being read by the clerk, with the several amendments made in the committee, and afterwards from the chair,

Mr. John Wolf moved an amendment, that the continuance of the bill should be confined to the 25th of March 1790,—this brought on a very long conversation between the Attorney General, Sir John Blaquiere, Mr. Rowley, Mr. Mason, Mr. Trench, Mr. Holmes, Mr. Toler, Mr. Todd Jones, Mr. Daly, Mr. Corry, Mr. Curran, and Mr. Wolfe; the question being put to agree to the amendment, it was negatived without a division.

After



After several amendments and alterations made in the bill, it was ordered to be engrossed.

*Friday, February 23.*

The bill for preventing riotous and tumultuous assemblies, was read a third time, on which Mr. *Griffith* said, there was one point which he would wish to establish, that of having this bill promulgated amongst not only those who could read and write, but also the dregs of the people, those whom it chiefly affected, against whom it was fulminated. It was already a general complaint that we had more laws than were universally understood; he wished therefore, that the Right Honourable mover of the bill would insert a clause, requiring it to be read every market day at least for the first three months.

The *Attorney General* said, he would not fail to have it promulgated as much as in his power lay—that he would have it sent through the different post-offices, to every parish minister, and to every parish priest in the kingdom, that they should notify it to their congregations.

The bill was then passed, with some trivial amendments, and sent to the Lords.

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## HOUSE OF LORDS.

*Friday, February 23.*

**T**HE Bill for suppressing tumultuous risings was brought up from the House of Commons, and read the first time.

*Wednesday, February 28.*

The Riot-bill having been read a second time, Lord Ranelagh moved, that said bill be committed,

The Duke of *Leinster* rose, and said he was of opinion, that before a bill of such a momentous import as the present was committed, an inquiry should be set on foot to know if some causes did not exist, which gave rise to the late outrages. He disliked the principle of the bill, and should oppose its being committed.

Lord *Mountgarret* wished such an investigation might take place, as would throw some light  
on



on this important subject. Towards the close of the last war but one, the levellers arose, and whether they were employed by enemies of this country, for the insidious purpose of creating public disturbance, was not certain, but they fastened upon tythes, and under that pretext continued their depredations. It is true, they people in many places entered into a general spirit of resentment against them, and many of them were brought to punishment; and such a spirit of indignation arose, that about ten years ago the flimsiest evidence could hang a Whiteboy. On the face of the present matter, some difficulties arose—they could not entirely suppress the evil by force, without encreasing evils, and the operation of law was found ineffectual. A set of blackguards had dispersed themselves among the peasantry, who followed no industry, and excited them to acts of violence. Some intermediate remedy was needful—renewing their tenure in lands—they should improve at every four years, or some such expedient. His Lordship's opinion was, that there is hardly a peasant from Dublin to Cork but was a Whiteboy. In publicly administering an oath, he confessed they departed from their usual cunning; but they were not ignorant of shifting their ground of operation when occasion required it. He had heard that it was intended to force magistrates to do duty, or punishment would ensue. How impolitic and unjust was such an idea? Could it be supposed that a man of genteel connections, of a large family, and, perhaps, important concerns of his

his own, should be punished for not following insurgents over bogs and mountains, perhaps in frost and snow, without any recompence for thus devoting his time, or being able to apprehend the object of his pursuit, and after all be subject to punishment?

His Lordship believed little of all he had heard about the supineness of Magistrates. Suppose one of them came up to government, and represented his trouble and expence, would government reimburse him for both, except he was a Member of Parliament? But if Magistrates were to be punished according to the threat held out, such men would soon remove themselves to another country. If force was intended, he feared it would be ineffectual, as the church was not willing to abate one inch of its demands, and government was loud but did nothing. Indeed it was to be confessed, they were puzzled what to do—they could not establish martial law through the kingdom, and when they sent out the army, the vigilance of the rioters eluded punishment; and then any alteration made in the church must affect the state. The bill before their Lordships raised also another suggestion in his mind—it looked as if the English government wished to retain as much power in this country as it possibly could, and it was supported here by such as wished to keep their places. The attempt of subjugation might be gradual, though they did not wish to make the entire push at present. He thought the present power of the state, if properly executed, was adequate to the necessity of new laws



laws. He knew the Irish peasantry were so disaffected, that during the last war they would have shewn dangerous proofs of it, had not the armed associations given a check to their inclination, as well as to the designs of the enemy.—Suppose the present bill passed, and its coercion pursued, it will only make their resentment burst out with more violence, if any hardships under which they labour are not removed. The bill might also have a tendency to pave the way to an union; but he would venture to say, that if England meant to keep up a dominion here, she must make the interests of Ireland the same as those of England, and then Ireland would suffer her now and then to plunder a little. Perhaps also it was her policy to keep this nation poor, for fear it should one day grow too strong for the obedience of her will. To the clergy the bill gave but an unsubstantial protection, and he concluded by saying, that he believed there was some other object in view, remote from its present apparent intention.

Lord *Portarlington* spoke in favour of the bill, but in so low a voice that his words were not attainable.

Lord *Earlsfort* put some of the last noble speaker's arguments in a point of view which shewed the inconsistency of their tendency. He defended the bill, and said the question then before the House was, whether the bill should be committed or not? He lamented the loss which any Government must sustain for want of the aid of such a state physician as the noble Viscount who had made such objections to the bill,  
as

as he was certain every advice of that noble Viscount would prove a specific for all state disorders. A most noble Duke had remarked, that the outrage was not general, and enquiry should be made into its causes. But, continued his Lordship, I will not sit down under the impression, that ruffianism should triumph over the laws and the property of this land. A noble Viscount rises in his seat and says, that the bill will be ineffectual, without pointing out any other measure that can. He tells the Bishops, that it will do nothing to preserve their rights and properties, and denies them in the House, of which they form so respectable a part, that justice which the other House of Parliament has granted for their protection. The outrage of the common people was of too long a standing in this kingdom not to receive a check at present. So long ago as 1755 there were levellers, and in 1760 they became troublesome. In the fifth year of his present Majesty a law was passed for their suppression, and this having been enforced, the Steel-Boys became quiet. In the 15th and 16th years of his Majesty other laws were enacted, to suppress similar disturbances; so that the present act could not appear any ways extraordinary after so many precedents. A dangerous mischief of mind seemed to inspire and infect the minds of the peasantry, foreign from their general pretext—they attacked tythes first, and then formed resolutions for the rents to be paid for lands. What would they ultimately stop at, if laws were not passed to check them, and a due operation given to such laws? The noble viscount seemed to think it



a hardship, that a magistrate should be compelled to do his duty ; but the occasion and experience have proved the necessity of their being punished, if they do not do their duty.—When the necessity of the bill was so evident, how could its principle be objected to? Let it be committed first, and then you can be properly informed of its necessity and principle.

Lord *Dysart* was of opinion, that the causes of complaint should be examined before the bill was committed. He declared, that no man was more averse to the recent spirit of riot than he was ; but he would oppose the principle of the bill—because he thought it injurious to the constitution ; he was certain, if there was a proper exertion of the present laws, there would be little occasion for the present intended severe one, and was sure that every paragraph of the bill would be disputed in the committee.

The *Lord Chancellor* was strongly convinced of the necessity of this bill. Some noble Lords had objected to it, as not necessary : he would explain to them the nature and necessity of it.—[His Lordship here went through all the clauses of the bill, pointed out the evils which occasioned it, and applied the different parts that went to their remedy.] He said, that the nation approved, and Government ought to be proud of the part they had taken upon the occasion, notwithstanding a noble Viscount had advanced, that Government talked loud but did nothing. A most noble Duke also said, that an inquiry should be made into those disturbances—Inquire into what? Was there a man in the kingdom, who could hear or read, that doubted of their existence.

existence? Those rioters first assumed the name of Levellers, then took to that of Whiteboys, and next to pick up another name; but if their actions were to be adverted to, they should still retain the name of Levellers, levelling every thing at will, as might suit their malice or designs. He believed they only made the complaint of tythes as a pretext for some darker purposes, as they did not stick to that object, but went to prescribe the actual rates of landed rents, as suited their schemes; and he had it from the best authority, that they had so far reduced their plan to a system, that a correspondence for depredation was carried on between the peasants of the South and those of the North. The report of the several judges, who came off the circuits, confirmed a great part of this rage for outrage not to be confined to the South. In Connaught they had begun their violence.

In Munster, continued his Lordship, when the army was approaching a part of that province, some of them applied to an English gentleman, their landlord, for protection, who knowing them to be possessed of arms, would grant them no countenance, but on the express conditions of giving up such arms. They denied they had any; but after some further parley they surrendered up ninety stand of arms. This was another circumstance that led them to believe there was more at bottom than mere tythes, which, though fastened on, was not their principal object. When Government saw armed thousands committing depredations by day, as well as by night, they must be deemed



culpable if they had not taken the part they had, and not brought forward the present bill.

In answer to the assertion, that the bill was not constitutional, his Lordship again went over its different clauses, and proved the bill to be highly constitutional. He said, it did not go such lengths as the riot-act in England, and yet that act was never deemed unconstitutional.—Many similar acts had been passed, even very far back, in England. In the reign of Henry the Fourth and Fifth such acts were to be found, and particularly in the reign of Edward the Sixth, an act, which he recited, very like that under consideration, had passed into a law, and he quoted the opinion of Lord Hales for the necessity of such laws, when exigencies required them.

A noble Viscount, his Lordship said, had intimated, that it was intended to strengthen English policy, in order to keep this country in subjugation; but it was evident to a candid mind, that Government had no object, but to give operation to the necessary law of the land, and by this bill to give strength to its arm. It was not fair to mention English policy, or to promulgate jealousies between the two kingdoms, when so much had already been done for this country.—When trade was rapidly advancing—when the Irish funds were rising, and the streets of the metropolis swarmed with a population, and obtained a face of improvement it never before experienced, it was no time to spread a spirit of discontent against England, of which she was so undeserving.

Lord

Lord *Sunderlin* said, that the importance of the question then before them, would, he hoped, plead his indulgence with the house for trespassing a very few moments on its patience; not that he had the presumption to suppose, that any thing he had to offer could have the smallest weight with their Lordships, who were much better qualified to judge either of the merit or defect of any law proposed to their consideration, than he could pretend to be; that he rose merely, because on such an occasion as the present, he would not wish to give a silent vote, for that he thought it a duty incumbent upon every man, who had any sense of the happiness of the constitution, and of the laws under which we lived, not only to endeavour as far as lay in his power to preserve both, but publicly to avow his sentiments, whenever the exigencies of the times required it, and his determination to support them to the utmost of his abilities.—He said, that though for one, he should have had much satisfaction in giving his assent to any measure that could have been proposed, that were likely to bring to punishment the perpetrators of the outrages lately committed in this country, which had been a disgrace to the humanity of it, yet that he felt still greater pleasure in the adopting of a law, that was calculated to prevent crimes rather than to punish them, and that bid fair not only to quiet the present commotions, but to extinguish the possibility of their being renewed; for that he considered the act then before them in that light, having for its principal object, the striking of terror into the minds of the people,  
upon



upon whom the fear of danger was always found to make a greater impresson, than either the dictates of reason or of justice, and that a law therefore, plain and simple in its operations, such as the present, seemed best suited to their capacities, and most likely to have an influence upon their conduct; but that to be sensible of all the benefits arising from it, they had only to turn their eye to a neighbouring kingdom, the freest country upon earth, where such a law, though less wanted, had for many years existed, to the great benefit of the public, and without any danger to the constitution, for which some persons on the present occasion affected to be alarmed; but he would wave such idle apprehensions, and indeed thought it unbecoming in him, to mispend any of their Lordship's time, in ever mentioning the numerous advantages, that such an act must produce, since they pointed out themselves; one only he would mention, that might not be so obvious, that in addition to the other salutary effects with which it would in all human probability be attended, it appeared to him, that it would, as it were imperceptibly, afford a remedy to a very great and crying grievance, under which this country had long laboured; he meant, he said, the keeping of forcible possessions, which their Lordships well knew had been so long practiced in this kingdom, to the injury of private property as well as the great discredit of the nation; in what manner it would be a remedy to those in future, by destroying all illegal meetings and associations in their very infancy, it was unnecessary for him to mention, and too obvious

obvious for him to dwell upon :—In every point of view, therefore, that this bill might be considered in, whether as tending to promote the general peace and tranquility of the kingdom, or as a further security to the property of individuals, he thought he could not more effectually serve his country, than by giving his voice for the enacting such a law, because the good effects that would follow from it, appeared to him evident and immediate, and the ill effects of it, if any there should be, tho' he could perceive none, were uncertain and remote, and at all events were sufficiently obviated by limiting the duration of it.

Lord *Bellamont*—His Lordship after having supported the bill paragraph by paragraph, submitting his opinion to the learned Lords and to the House, upon each article, observed, that he had hitherto declined to enter at large into the merits of the bill.

He said, that upon the first and second reading of the bill, he had listened with silent attention, not without anxiety, for if ever a subject had come before that House as to which the effect of the measure, depended upon the impressions made abroad from the mode of carrying it through the House, it was that bill which lay upon the table—such was his sole motive for troubling their Lordships any further with his thoughts upon the occasion. It were else loss of time to debate where self-evidence silences argument, as it would be to enquire where notoriety supercedes proof. He said, he had seen a publication abroad in which a parallel or contrast had been drawn between the former disturbances



turbances of the Oak Boys in the North, and those of the White Boys which now subsist in the South; the avowal of the author by the signature of his name, justified him in adverting to it in that House; the respectability of the author induced him so to do, as it tended to corroborate in part what he was going to advance. He would therefore endeavour to follow the Right Rev. Prelate upon the subject, adding that it was the only instance in which he should take occasion to advert to that learned production, or to any other matter which had not passed within those walls. It had in that publication been justly stated, that the insurrection in the province of Ulster had been open, universal, and short lived. That in the province of Munster the disturbances were secret, not general, and still extant. That in the former, *two or three severe checks from the Military* had sufficed to put an end to them; that in the latter even capital punishments had not been able to suppress them.—He did admit the statement, but took leave to controvert the conclusion. He did further admit that the insurrection in the North, as being more open, was more daring.—That the disturbances in the South were more dangerous as being more occult. Thus far the Right Rev. Prelate and he were agreed, but he could assure the Right Rev. Prelate, *that no severe Use had been made of the Military*, at least in the three counties in which he had occasion to act with his Majesty's troops. He could appeal to his God, that the most scrupulous and conscientious use was made of them, enough indeed to satisfy the necessity of the moment. The fact was, that  
the

the exercise of the military having served to define the nature of the offence, the horror of being involved in *Guilt, not the Fear of Punishment*, acted upon the minds of those unconscious delinquents; they had risen up to exert what they conceived to be their natural right, to reform supposed abuses of the law. So soon as they learned that in so doing they violated the law itself, they desisted from their purpose, the delusion of error instantly gave way to the revelation of truth. The same principle which had lighted the torch extinguished it, he meant to say *Self Conviction*—what followed? Impunity in the several counties from parity of situation.—What followed impunity? Acquiescence. It is true a second uprising took place some three or four years after, as sudden and short lived as the former, there likewise acquiescence followed impunity.—Impunity, not from party, but from adherence to the constitution. The juries of the city of Dublin felt as they ought that a violence had been done to the constitution, in bringing men to be tried in the city of Dublin by Dublin juries, for offences committed in the province of Ulster; they therefore would not take cognizance of the charge; and to their immortal honour acquitted them as men brought *coram non judice*.—He said, that from the first moment he had laboured to correct an error which he fears still subsists, namely, that the insurrections in Ulster had taken rise and been carried on by the Dissenters of the North of Ireland. The opinion he said was ill grounded; the insurrection did not refer to any particular sect of men, but to a certain description and rank of men. The *Dissenters* were not more involved than



than *Members of the Established Church* of like condition—he meant to say the YEOMANRY of the province. If any sect of men could be said to stand clear of it, it was the Roman Catholicks—the reason was obvious; that the Roman Catholicks in that part of the kingdom being confined to the lowest order of men, they stood excluded, he would make free to say, for want of qualification. He trusted no man would suppose that he entered into this detail from any local partial feeling. In that house he could know no such influence; his object was to do justice to all. He found himself particularly bound to be explicit upon this subject from the opportunity which his situation had given him of seeing the inmost springs of action. With regard to disturbances in the South he could not say they stand clear of combination. The act of swearing men by parishes is combination:—The tables of tithes and other matters published under the title of Captain Right's regulations, every man must admit, come under the description of combination. He would not stop to speculate whether any odds and ends of secret service money from foreign parts, had or had not been distributed through the most abject vehicles to the meanest objects; a paltry forlorn hope supply, devoted to the temporary existence of pre-devoted victims. But to suppose a combination deriving under and supported by men of rank, education, property, industry, or any other settled station or means of life, is an idea which is not to be tolerated—In a word, *that a systematic Combination is formed against the Established Church*, would be a supposition too gross to

to obtain countenance. He said, that with regard to matters of religious concern, he knew within the pale of christendom two sects only; namely, the Protestant and Romish Church, that with regard to principles of allegiance, he knew one sect only, and that included both. He did not conceive that he should add vigour to the established church, by emasculating the Protestant faith of a great and respectable body of its manly assertors; nor did he think he should emblazon the splendor of his Prince, by holding out to powers abroad a narrowed scale of allegiance at home.—Did his assertions appear too bold? did any man refuse to give him faith? he referred any such man to his reason and understanding. With regard to the dissenting interest of Ireland, he shewed that they stand in the exact predicament with every member of the established church, like privileges, like participations in places of trust, profit and honour, like opportunities of improving those advantages, like fears to each, if any there were, to either, like objects of hope to both—That with regard to the Roman Catholics of Ireland, since the mitigation of the penal laws, he appealed to any man of common sense, if, as they at this day stand, their situation is not better, their civil, real and personal security more established, than it could be under any other Government upon earth, even with a full participation of all the douceurs of the state. He declared, that if he himself were a Roman Catholic nobleman of Ireland, attached to that persuasion as he is to his own, his only subject of regret would be, the transcendent numbers of his own  
sect,



fect, that they are not in the same disproportion here, as they are in Great-Britain; it was a delicate subject which he would not urge further; to say no more, every man must admit, that instances of disorder necessarily multiplying in proportion to numbers, men of birth, fortune and principle for ever find themselves thereby involved in responsibility, as to matters which they as strenuously endeavour to defeat as those who most complain of them; that some of the first distinction had given such repeated proof by active exertion, as would have done honour to the proudest claimant to merit in any state.

His Lordship observed, that having thus endeavoured to clear the subject of the several matters which rather bore relation to than derived under the bill, he would now confine himself to the arguments which had been advanced against the bill itself. He said, the first comment which had been made by those who opposed the bill, was rather a stricture against government than against the bill; namely, that the bill when introduced into the House of Commons had been framed with such circumstances of severity against the subject, as would have rendered it inadmissible before their Lordships. He appealed to the noble Lords who had made the objection, what had been their conduct at the commencement of this present session of parliament. Was not government at one and the same time accused of having *done too much*, and of having *done too little*, upon this very subject by different Lords, who have systematically co-operated in censuring the measures of the present administration?

stration? What part had government then to take? It sent in a bill to the Commons, armed with the *summum jus*, leaving it to both Houses of Parliament, to extract every sting, even of the *slightest Injury*. If then the bill is yet severe against the subject, government can well say to both Houses of Parliament, it is *you* have left it so; is it as it now stands too weak? The answer of government is, it is *you* that have rendered it ineffectual. If any government ever stood clear of responsibility upon any subject, such is the predicament in which the present administration and its advisers at this day stand upon the subject of this bill. He would not pursue this theme any further, lest justice should terminate in encomium.

The second comment or stricture was, that the bill, when introduced into the Commons, had been framed perpetual; That in the form it now stands, it is limited to the term of three years. He conceived he had already answered the objection in part: He would now account for the alteration. The avowed object of the bill was to give immediate relief to the parochial clergy and lay improPRIETORS of tithes, against whom the present disturbances are particularly pointed. To deny them partial relief, would be to defeat the object of the bill. To render that partial aid perpetual, would be to establish a grievance against the subject at large; for it must be acknowledged, that every partial aid becomes an act of injustice, from the moment it ceases to be necessary. It is to be presumed, that the opposition given to the due collection of tithes will cease before the bill expires.



pires. If it should then be found expedient to renew a riot act in the abstract, it will then be revived without this clause. He said that much stress had been laid upon the opinion of modern authors, particularly that of Sir Wm. Blackstone, to decry the principle of a riot act. He should ever bow down to professional knowledge so long as it was not refuted by itself; but he was bold to assert, that every principle opposed by Sir Wm. Blackstone, against a riot act, as an extension of the *Penal Statutes*, was done away by his own definition of *preventive Laws*: His words are, that "Preventive justice is upon every principle of reason, humanity and sound policy, preferable to punishing justice." He then proceeds to establish his position by shewing, that human punishments may be reduced under three heads, "such as tend to the amendment of the offender himself, or to deprive him of any power to do future mischief, or to deter others by his example."

His Lordship asked, does not this bill in every principle come under this definition? It prevents the subject from injuring himself; it prevents him from injuring his fellow-subjects or the community, and holds out an example to the public, without sacrificing one single victim to it. He could not pass over the ingenuity which had been employed to deduce objections to a Riot Act; from the different periods at which that Statute had been revived and suffered to expire. He did not think it necessary to go further back than the Reign of Edward the Sixth; and having shewn the different events and motives which had produced that effect throughout

throughout the several reigns from Edward the Sixth, to the commencement of the reign of George the First; he made it appear by clear historical deduction, that no argument whatever could be adduced from the commencement of the reign of Queen Mary to the period alluded to, which could, properly speaking, either make for or against the principle of a Riot Act; insisting, that the different motives and events which had in that space of time produced the revival or temporary extinction of that Statute, had nothing to say to the principle of the Statute itself. His Lordship then proceeded as follows: But at the accession of George the First, when the act of settlement was to be maintained against open force and arms, when the vigilance and promptitude of military law was to be established without injury to the civil constitution, the wisdom of our ancestors turned their eyes to this *salutary preventive Statute*—What was the result?—That during the course of two entire wars, in two succeeding reigns, with actual rebellion at home, backed by formidable preparations and attempts of invasion from abroad, his Majesty's councils maintained their authority; both Houses of Parliament exercised their power; the Courts of Law performed their functions; nay more, every nobleman, gentleman and mechanic, followed their usual pursuits of pleasure and industry, unmolested even in their amusements, some few days of universal consternation and *days of thanksgiving* alone excepted—Such were the benefits of this law, which is at this day thus reviled.

His



His Lordship concluded his speech with the following Address to the House :—If then you would sheath the sword in the plenitude of authority ; if you would second the constitutional moderation, and constitutional firmness of government at both sides of the water ; would you shew yourselves competent to regulate, as to claim, to maintain the laws, as to assert your rights ; would you in fine restore dignity to the church, stability to the state, honour to your national character, credit to your national funds, and intrinsic value to your lands, you will this night adopt this *Tutelar Statute* with that unanimity which gives vital energy to law. Thus shall you preserve the laurels of liberty immortal in primeval bloom, protected from the deadly blasts of *tumult and sedition*.

Lord *Farnham* thought an enquiry was necessary to remove hardships, if they were found to exist. The ostensible reasons given for disturbance were the manner of collecting tithes ; but the bill before the House had too severe a complexion ; and it was a long established maxim, that punishment disproportioned to the crime was always ineffectual.

The Earl of *Tyrone* said, that he had himself met thousands of the Whiteboys, and numerous acts of their outrage had come to his knowledge. They had gone about swearing one parish to observe the rules prescribed to the parish adjoining. Even in some towns in the county of Waterford no shopkeeper was to be dealt with who did not take the oath propounded ; and in many places he had seen corn spilled, the property of those who had not complied  
with

with the oath. Nay, their rage was not confined to the one sex, for *women had formed associations, and went about swearing the married women in parishes, that they should not admit their husbands to the rights of conjugal felicity, unless they took the oath against paying tythes*; and his Lordship added, *he knew in many instances where they had kept their vow*—[as loud a laugh as ever was known below or above the bar.]—Even the dairies were shut up against those who refused to swear, and not a drop of milk to be bought. His Lordship said, if he was to repeat the various stratagems, hardships, and cruelties imposed upon those who refused to take the oath, he would take up six hours of their Lordships' patience. They did not move in petty assemblies, but aggregated in bodies composed of several thousands, and moved sometimes 15 and 16 miles, to enforce their directions. The clergy might be the first affected by their depredations, but it is well known they did not stop at tythes; their object extended on a larger scale. At a meeting which his Lordship overtook of those people, he could see at least from 800 to 1000 of them, well mounted on horses that could easily go at the rate of six miles an hour, who had come from places remote of the meeting. He did not believe that any gentleman of property, character, or profession, were concerned in such acts of violence, but as an evil, it required to be removed. His Lordship declared, that in respect to complaints that could be justified against the clergy in the parish where he resided, he knew of none. There was a necessity for the bill, and he would accordingly vote for its being committed.



The *Bishop of Waterford* thanked his Lordship for the testimony he did the clergy the honour of bearing of their conduct in his diocese. He coincided with his Lordship in the necessity there was for passing the present bill; for if the laws in being had not been found sufficiently strong, the country required laws more effectual. The authority of the best intelligence, the paragraphs in every newspaper were full of the acts of atrocity daily committed by Whiteboys; and when they assembled together in such great bodies as the House had heard, the safety of the subject was not to be left to the protection of cobbweb laws, the barriers to protect him from violence must be made of stronger materials.

The Chancellor having put the question on committing the bill, a division ensued,

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The bill was then committed, and the House adjourned till Saturday.

*Saturday, March 3.*

In Committee on the riot bill, went through the same. Reported. The report agreed to, and ordered to be read a third time on Monday.

*Monday, March 5.*

The riot bill read a third time. The message was sent to the Commons by two of the Masters in Chancery, that the Lords had agreed to said bill without any amendment; the bill was accordingly ordered for transmission, and, on Monday the 26th of March, 1787, it received the Royal Assent.

LORDS'

## LORDS' PROTEST.

*Die Luna, 5<sup>o</sup> Martii, 1787.*

Hodie tertia vice lecta est Billa, entitled, "*An Act to prevent tumultuous risings and assemblies, and for the more effectual punishment of persons guilty of outrage, riot, and illegal combination, and of administering and taking unlawful oaths.*"

The question was put whether the said bill shall pass; it was resolved in the affirmative.

*Dissentient,*

**B**ECAUSE, that though we believe, however wholly uninformed as a House of Parliament, that dangerous disturbances have existed, and do yet partially exist, in some southern counties of Ireland, inimical to the public weal, and purporting to invade the rights of the clergy;—and though we shall at all times be ready to stand forth the enemies of riot, and the protectors of the church as by law established, we conceive that the remedy proposed by this law, is of a nature too desperate to be useful, and of a tendency too dangerous to be admissible.

Because we perceive that previous to the enacting of any law upon this delicate, complicated, and important subject, a parliamentary en-



quiry should have been instituted to ascertain the nature and extent of the evil to be remedied, and to investigate its latent causes; and we cannot but think that to proceed to violent measures without such enquiry, is irregular, unparliamentary, and of dangerous consequence.

Because that while we condemn and reprobate the turbulent spirit which has gone forth, and the excesses committed by the southern insurgents, we are persuaded that the local evil complained of is occasioned by certain local circumstances grievous to a poor, unemployed, and exhausted people; and are firmly of opinion that no coercive law, however sanguinary, can obviate or remove the effects while the cause remains unexplored; and, though we join in opinion with those who think that no grievance should be redressed while the people remain disobedient to the laws, we cannot but apprehend that if any real grievances do exist, they ought to be known to Parliament; and that, while on the one hand obedience is extorted by coercion, the people on the other should be lured to tranquillity by some prospect of redress, when they shall cease to forfeit the protection of the Legislature by opposing the laws.

Because we are persuaded, from our knowledge of the humane temper of our countrymen, that the sanguinary clauses of this law will be rendered ineffectual by their too great severity; and because we are utterly averse, from encreasing still farther that multitude of capital offences by which our statute books are already disgraced.

Because we conceive, that the clauses which form the most considerable part, and, as it were, the principle of this law, and which are known  
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in England by the name of the riot act, are repugnant to the spirit of a free constitution, and could only be tolerated, as a momentary exertion, in a period of imminent danger to the State, such as might, in some sort, justify a short suspension of constitutional energy, as in the case of the Dictator in the Roman Republic; a situation to which we cannot, for a moment, suppose this country to be reduced by the present wretched insurgents; neither can we perceive the force of the argument, that, because such a law exists in England it ought to be imitated here. Bad precedents should never be produced as arguments for imitation; they ought, on the contrary, to serve as marks to point out the perils we are to avoid; and it is notorious that this law, which was finally enacted in the sister kingdom, at a period of imminent danger to the Protestant succession from civil commotion, avowed disaffection and impending rebellion; and in times of furious party zeal, which even in the best cause, often hurries the best and wisest men too far, was, and is reprobated, and detested by the better part of the nation, as a deformed excrescence upon the constitution. The situation of the two kingdoms are moreover wholly dissimilar, and a law, which in its operation may be inoffensive in a country blessed with the presence of its Sovereign, happy in an antient, vigorous and rooted constitution, which, by its internal strength, is capable of expelling and throwing off the baneful effects of noxious institutions, strengthened by an affluent, independent, well-informed and undivided yeomanry, and furnished with a magistracy respectable in property, ability, and public estimation, may be

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to the last degree dangerous in a kingdom governed by delegated sway, and by distant councils; where the constitution is still weak from recent renovation; where the people are not only miserably poor and distressed, but ignorant and divided in religious principle; where the magistrates, by the confession and assertion of those who favour the measure, are wholly unequal even to the ordinary business of their office, and consequently in the highest degree unfit to be entrusted with the extraordinary and dangerous powers hereby vested in them, and where many differences subsist too numerous, and perhaps of a nature too delicate to be here detailed.

Because, we conceive that a riot act cannot be useful or effectual to the end proposed, inasmuch, as according to our best information it has been the policy and practice of the insurgents to avoid prevention or discovery, by assembling themselves at night, a few instances in the last summer only excepted, immediately to disperse upon any appearance of opposition, and seldom, if ever, to remain embodied long enough to give the magistrate an opportunity of exerting the power granted him by this law. If then this act should appear to be useless and inadequate to its ostensible purpose, a suspicion may naturally arise in the minds of those whose duty it is to be jealous, that it is intended rather to increase the powers of the Crown, than to quell the present insurrections. But, even though it were to be granted, which we never can admit, that a law of this nature were useful and necessary in the counties where those enormities are said to exist, as a desperate remedy

dy to a disease supposed to be of a most malignant and dangerous nature, the extending it to such parts of the kingdom as are wholly free from any malady, appears to us a measure fraught with imprudence, injustice, and danger; such caustics as might possibly be salutary, when confined to the morbid limb, may be dangerous, and even fatal, when applied to the same parts, or extended to the entire body. We therefore conceive that both in justice and in sound policy, this law ought to be made local, and confined to those counties where alone it is said to be necessary.

Because, we are inclined to fear, that the ninth section of this act, respecting the writing, posting, or publishing, &c. is so loosely worded, and so vague and uncertain in its meaning, that it may tend to involve in the guilt of felony, without benefit of clergy, persons either wholly innocent, or at the most not guilty of any crime deserving extreme punishment. How dangerous would such ambiguity be, if this country were ever to be cursed with an evil Administration! and experience teaches us, that such an event is not impossible.

Because, we are apprehensive that by the 11th clause of this act, an effect may be produced contrary to the intention of the Legislature, and equally prejudicial to the clergy and to the people—inasmuch as it is to be feared, that injudicious men, some of which will ever be found in the best and most respectable classes of mankind, may be hereby induced to revive certain obsolete claims, which, though possibly not unfounded in point of law, are certainly novel in point of usage, and would be, if their success were



were possible, ruinous in the practice, by which odious and useless revival, fresh disputes would necessarily arise between the parishioners and their pastor, to the scandal and detriment of religion, and of the church; and to the ruin and desolation of the country.

The duration also of this law appears to us to be prolonged beyond what is expedient.—An act of this nature, ought, in our opinion, to remain in force, as short a time as possible consistently with the cause for which it was enacted. We therefore conceive that a duration of three years is much too long, but more especially protest against the undefined term expressed by these indefinite words, “ to the end of the then next session of Parliament.”

For these reasons, which we are sorry to say a want of confidence in the present Administration of this country, arising solely from our experience and opinion of their past conduct, serves to impress still, if possible, more forcibly upon our hearts and upon our understandings. We solemnly protest against the law which has now passed this House; and we pledge ourselves to each other, and to our country, at all times, and in all situations, by every legal and constitutional exertion, to endeavour its repeal, and to oppose its re-enaction.

LEINSTER, by proxy.  
CHARLEMONT.  
MOUNTGARRETT.  
DESART.

F I N I S.